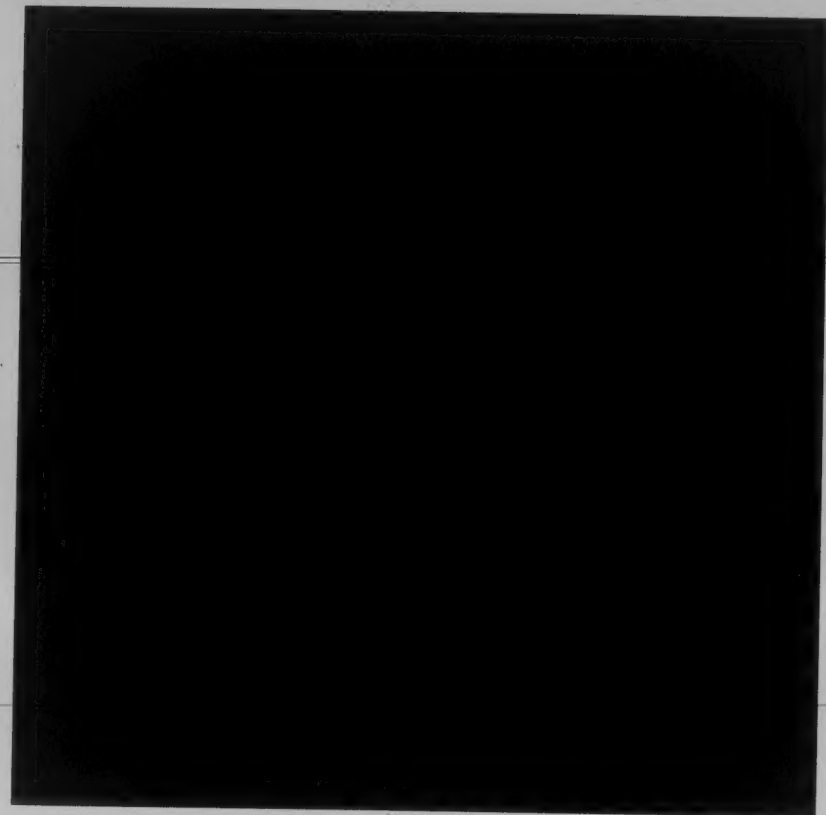
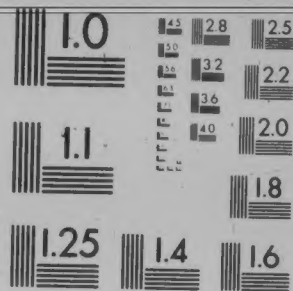
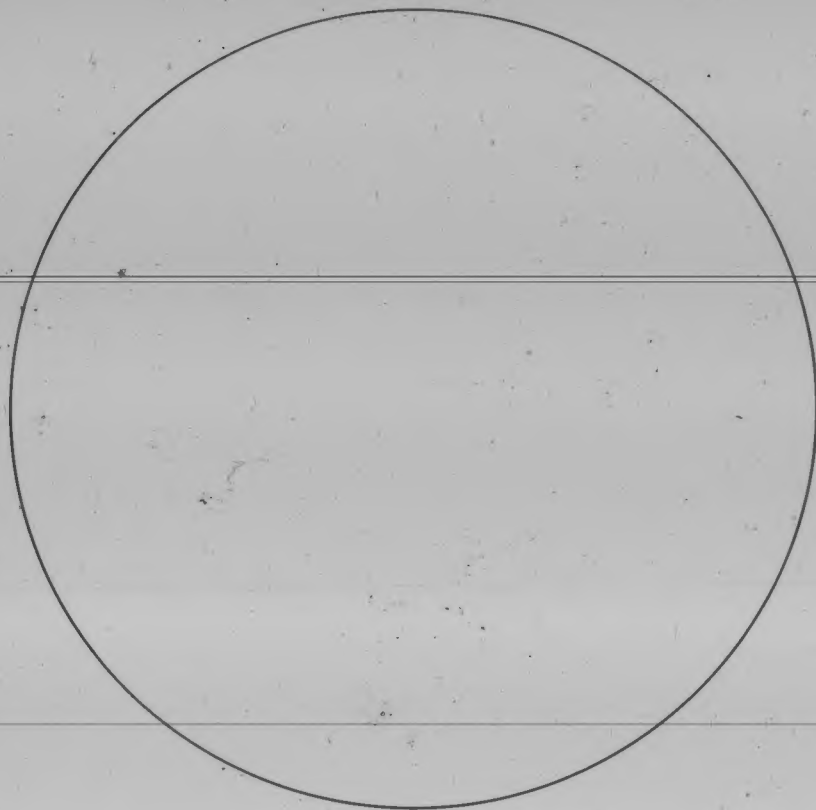
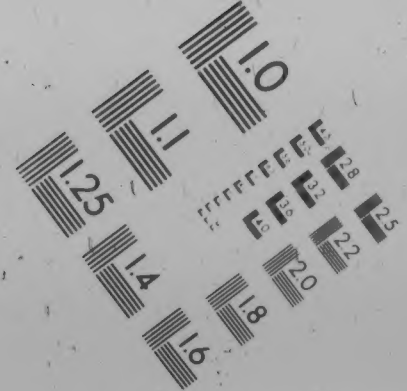
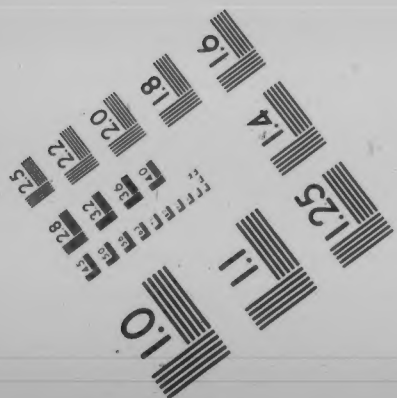
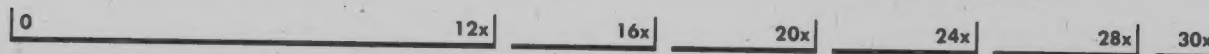


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 314

CHEROKEE D718 - D791

**THE NATIONAL ARCHIVES
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at the

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 26, 1900.

In the matter of the application of Otis S. Skidmore for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood; he appearing before the Commission, and being sworn and examined, testified as follows:

- Q What is your name? A Otis S. Skidmore.
- Q What is your age? A 41.
- Q What is your post office? A Delagah.
- Q Do you make application for enrollment as a Cherokee by blood?
- A No, sir, by adoption.
- Q For whom do you make application? A My wife and children.
- Q How many children? A I have got a wife and six children.
- Q What district do you live in? A Cooweescoowee.
- Q How long have you resided there? A 8 years.
- Q Where did you live prior to that time? A Southern Texas.
- Q When did you come to the Cherokee Nation? A In 1898.
- Q Have you lived continuously in the Cherokee Nation since you came from Texas in 1898? A Yes, sir.
- Q Never been out of it in that time? A No, sir, except on business or something; never lived out of it.
- Q Have you been outside the Cherokee Nation within the past three years? A No, sir.
- Q What was the name of your father? A Samuel C. Skidmore.
- Q He living or dead? A Dead.
- Q Cherokee or white man? A White man.
- Q What was your mother's name? A Elizabeth Ann Skidmore.
- Q She living? A No, sir.
- Q Was she a white woman? A Yes, sir.
- Q Your parents never made application for enrollment as citizens of the Cherokee Nation? A No, sir, not my parents.
- Q What is your wife's name? A Annie F. Skidmore.
- Q She living? A Yes, sir.
- Q She a Cherokee by blood? A Yes, sir.
- Q How old is she? A I think she is 43.
- Q How long has lived in the Cherokee Nation? A Eight years.
- Q Where did she live prior to that time? A Southern Texas.
- Q What was your wife's father's name? A Loonie Price.
- Q He living or dead? A He is dead.
- Q He a Cherokee or a white man? A Cherokee by blood.
- Q What was her mother's name? A Letitia Price, Coody before she was married.
- Q She living? A Yes, sir.
- Q She a Cherokee or a white woman? A Cherokee by blood.
- Q Have her parents ever been recognized by the tribal authorities of the Cherokee Nation as citizens of the Cherokee Nation? A They were before they went away.
- Q Was your wife ever admitted to citizenship by the tribal authorities of the Cherokee Nation? A Yes, sir.
- Q When? A In 1888.
- Q Have you any evidence of that fact? A I have a certificate.
- Q Has your wife lived here continuously since she came with you in 1898? A Yes, sir.
- Q When were you married to your wife? A In 1883.
- Q Have you lived with her continuously since that time? A Yes, sir.
- Q Were you ever married prior to the time you married your present wife? A No, sir.
- Q Was she ever married before? A No, sir.
- Q Have you any evidence of your marriage? A Yes, sir.
- Q What are the names of the children for whom you now desire to make application? A Eugene C. Skidmore.
- Q How old is Eugene? A 17 years old.
- Q What is the name of the next child? A Otis T. Skidmore, 16

Otis S. Skidmore - 2.

years old.

Q What is the name of the next child? A Elizabeth A., I think she is 14 years old.

Q What is the name and age of the next child? A Henry G. Skidmore, 11 years old.

Q What is the name of the next child? A Letitia F., 9 years old.

Q What is the name of the next child? A Benjamin F. Skidmore, 6 years old.

Q That all of your children? A Yes, sir.

Q Is Elizabeth E. Skidmore, in her correct name Annie E.? A I expect she is enrolled that way, we always call her Bessie, but her correct name is Elizabeth E.

Q When you removed to the Cherokee Nation did you remarry your wife in accordance with the Cherokee laws and customs? A Yes, sir.

Q Have you any evidence of that fact? A Yes, sir.

(The applicant presents a marriage license authorizing the marriage of Otis Skidmore to Miss Annie Price, issued by D. D. Jones, Clerk of Gonzales County, State of Texas, on the 12th day of August, 1882, and certificate showing that said ceremony was performed by John Ward, Minister of the Gospel, on the 13th day of August, 1882, marriage having been performed according to the laws of the State of Texas. The applicant also presents Cherokee marriage license authorizing the marriage of O. T. Skidmore to Mrs. Annie Skidmore, nee Price, a citizen of the Cherokee Nation, issued on the 2nd day of January, 1894, signed by Joe M. LaHay, Clerk of Cooweescoowee district, and certificate showing that said ceremony was performed by Daniel D. Price, Mayor of Colagah, I.T., on the 31st day of January, 1894. The applicant also presents certificate of admission to Cherokee citizenship, issued at Tahlequah, I.T., on the 27th day of June, 1888, signed by J. T. Adair, Chairman of the Commission on Citizenship, attested by Connell Rogers, Clerk of the Commission on Citizenship, approved and endorsed by J. B. Mayes, Principal Chief of the Cherokee Nation, and the document bears the seal of the Cherokee Nation. The certificate admits the following parties to citizenship: Annie Skidmore, Eugene G. Skidmore, Otis T. Skidmore, and Annie E. Skidmore, aged respectively 28, 4, 8 years, and the last named 8 months.)

Q Are the parties mentioned in this document members of your family?

A Yes, sir.

Q Is the name of Annie Skidmore mentioned herein your daughter whom you desire now to enroll under the name of Elizabeth A. Skidmore? A Yes sir, her name is Elizabeth Annie Skidmore, and we sometimes put it Allie Elizabeth Skidmore; I think my wife had her enrolled before and we put her Annie E. Skidmore.

Q What day of the year was your son Henry G. born, give me the exact date of his birth? A Born the 26th day of May, 1889.

Q And Letitia L.? A She was born the 14th day of September, 1891.

Q And Benjamin F.? A Born the 11th of April, 1894.

Q Your first three children were born in the State of Texas? A The first five were.

Q You didn't remove to the Cherokee Nation until four years after the certificate granting you and your family citizenship in the Cherokee Nation was issued, did you? A Yes, sir.

Q When did you remove to the Cherokee Nation? A In 1892.

Q And this certificate was issued on the 27th day of June, 1888, four years before you removed to the Cherokee Nation? A Yes, sir.

Q Did you ever exercise the rights of suffrage in the State of Texas, did you ever vote there? A Yes, sir.

Q When was the last time you voted? A I don't remember, I think I voted there in 1888.

Q Did you vote in the presidential election in 1888? A Yes, sir, I think so; that was in June.

Q You exercised the right of suffrage in the State of Texas after your family had been admitted to citizenship in the Cherokee Nation? A I think so.

Otis E. Skidmore - 3.

Q Did you vote at the state elections and the congressional elections in 1890? A I guess I did, I was there.

Q Did you vote at the presidential election in 1892? A No, sir.

Q What month did you remove to the Cherokee Nation? A I came here in May, 1892, and I went back and got my family and I think we came here in August.

Q Since you and your family removed here from the State of Texas in 1892, have you and each of you always made your home here in the Cherokee Nation? A Yes, sir.

Q Have any of your family ever been out of the Cherokee Nation in that time? A No, sir.

(Otis E. Skidmore on 1896 roll, page 261, No. 955, Otis S. Skidmore, Cooweescoowee district, adopted white. Annie F. Skidmore on 1896 roll, page 260, No. 4561, Anna F. Skidmore, Cooweescoowee district. Eugene O. Skidmore on 1896 roll, page 260, No. 4562, Cooweescoowee district. Otis T. Skidmore on 1896 roll, page 260, No. 4563, Otis Skidmore, Cooweescoowee district. Elizabeth E. Skidmore on 1896 roll, page 260, No. 4564, Annie Skidmore, Cooweescoowee district. Henry O. Skidmore on 1896 roll, page 260, No. 4565, Henry Skidmore, Cooweescoowee district. Lottia F. Skidmore on 1896 roll, page 260, No. 4566, Lottia F. Skidmore, Cooweescoowee district. Benjamin F. Skidmore on 1896 roll, page 260, No. 4567, Ben F. Skidmore, Cooweescoowee district.)

The applicant applies for the enrollment of himself, his wife and six children. He is identified upon the census roll of 1888 as an adopted white. He presents a certificate showing that his wife and three oldest children were admitted to citizenship in the Cherokee Nation in the year 1888. He removed to the Cherokee Nation from Texas in 1892, four years after the date of the admission of his family. He avers that he exercised the right of suffrage after his family had been admitted to citizenship in the Cherokee Nation, at the election in 1888 and possibly also in the state elections in 1890. Since his removal to the Cherokee Nation from Texas in 1892 he has lived here continuously ever since. His wife, Annie F., was admitted in 1888 by an act of the Cherokee Commission on citizenship, together with her three oldest children. She is identified upon the census rolls of 1896 as a native Cherokee. Their six children are all identified upon the census roll of 1896 as native Cherokees. The names of his wife and six children will be duly listed for enrollment as Cherokees by blood, satisfactory proof as to their residence in the Cherokee Nation having been given. As to the application which he makes in his own behalf, he will be listed for enrollment as a Cherokee by intermarriage.

But owing to the fact that he exercised the right of suffrage in the State of Texas after his wife and three oldest children had been admitted to citizenship in the Cherokee Nation, and that none of them removed to the Cherokee Nation until four years after they had been admitted, they will be placed upon what is known as a doubtful card for the further consideration of the Commission. When final judgment is rendered in his case, he will be notified at his present post office address.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 25th of October, 1900.

Bruce G. Jones
Amie

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Otis S. Skidmore for the enrollment of himself wife and children as Cherokee citizens.

Appearances:

Joe M. Lahay, Claremore, I. T., attorney for applicants;
W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that the application of Otis B. Skidmore for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by attorney, Joe M. Lahay.

ANNIE F. SKIDMORE, being first duly sworn and being examined testified as follows:

BY MR. LAHAY:

Q What is your name? A Annie F. Skidmore.

Q What is your age? A I was born in '87.

Q Where do you reside? A Oolagah.

Q How long have you lived there? A 10 years, we moved there, we have been up here 10 years, came here in 1892 I believe it was in March; I believe it has been nine years since we moved to that place; we lived at Tahlequah and at Muskogee.

Q How long have you lived in the Cherokee Nation? A 10 years, we came in 1892.

Q Has Mr. Skidmore been out of the Cherokee Nation or exercised the rights of a citizen of the United States since his marriage to you? A Been out of the Cherokee Nation?

Q Ever exercised rights of a citizen of the United States since he was married to you? A Not that I know of; he has only made one trip off and that was business trip. Didn't stay but a little while.

MR. HASTINGS waives cross-examination.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Otis S. Skidmore for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Annie F. Skidmore, and his six minor children, Eugene O., Otis T., Elizabeth A., Henry C., Letitia F. and Benjamin F. Skidmore, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 26, 1900, the applicant, Otis S. Skidmore, appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Annie F. Skidmore, and his six minor children, Eugene O., Otis T., Elizabeth A., Henry C., Letitia F. and Benjamin F. Skidmore, as citizens by blood of the Cherokee Nation. Further evidence was submitted in this case on March 7, 1902 at Muskogee, Indian Territory.

It appears from the evidence in support of this application that Annie F. Skidmore, Eugene O. Skidmore and Otis T. Skidmore were admitted to citizenship in the Cherokee Nation by a Cherokee Commission on Citizenship on June 28, 1888, and that Elizabeth A. Skidmore was admitted to citizenship in the Cherokee at the same time and by the same Commission on Citizenship under the name of Annie E. Skidmore.

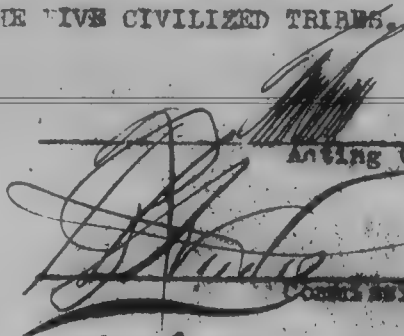
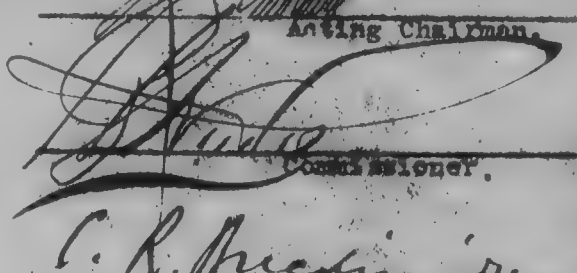
It further appears that Otis S. Skidmore was married to his wife, Annie F., on August 12, 1888 under authority of the laws of the state of Texas, and that he was remarried to his wife, Annie F on January 2, 1894 under authority of a Cherokee marriage license.

It further appears that Otis S. Skidmore and his wife, Annie F., removed to and in good faith settled in the Cherokee Nation in the year 1892 and have continuously resided therein since that time.

The authority of the commission herein is defined in Par. 1, Sec. 21, of the act of Congress, June 28, 1898 (30 Stats., 495).

It is therefore the opinion of this Commission that Otis S. Skidmore is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that Annie F. Skidmore, Eugene O. Skidmore, Otis F. Skidmore, Elizabeth A. Skidmore, Henry C. Skidmore, Letitia F. Skidmore and Benjamin F. Skidmore are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.
C. R. McClinton
Commissioner.

Muskogee, Indian Territory,

this 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ENTER IN REPLY TO THE FOLLOWING

Cherokee D-718

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, July 29, 1902.

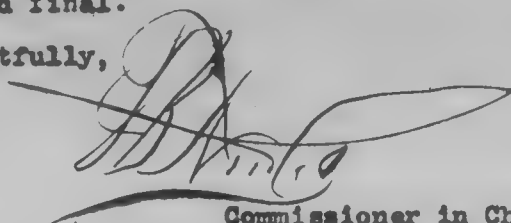
Mr. W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of a decision of the Commission to the Five Civilized Tribes, rendered the 25th day of July, 1902, granting the application of Otis S. Skidmore for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Annie F. Skidmore, and his six minor children, Eugene O., Otis T., Elizabeth A., Henry C., Letitia F. and Benjamin F. Skidmore, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. D-718.

et al

Original testimony of 10/26/02

Memo. of Application of 10/26/02

Certified copy of marriage license & certificate

Cherokee marriage license & certificate

Certificate of Admission to Cherokee
Citizenship.

Receipt for testimony

Copy

Notice of final consideration, 3/1/02

Supplemental testimony and order

issuing testimony 3/1/02

Sept 1, 1902

transcribed and

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Decision - E

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 28, 1900.

In the matter of the Application of Mary Louisa Cloud for the enrollment of herself as a Cherokee by intermarriage and her child as a Cherokee by blood; she appearing before the Commission, and being sworn and examined, ~~has~~ testified as follows:

- Q What is your name? A Mary Louisa Cloud.
Q What is your age? A 34 years old.
Q What is your post office? A Foyil.
Q Do you make application for enrollment as a Cherokee citizen by blood? A No, sir, by intermarriage.
Q For whom do you apply? A Myself and baby.
Q Your husband? A No, sir.
Q What district are you living in? A Goo-wee-scoo-wee.
Q How long have you lived there? A About 15 years.
Q Where did you live prior to that time? A It was on Cow Skin Prairie (Delaware.)
Q How long have you lived in the Cherokee Nation? A 21 years.
Q Where did you come from when you came to the Cherokee Nation? A From Clay County, Missouri.
Q Have you lived in the Cherokee Nation continuously for the past 21 years? A Yes, sir.
Q Have you lived outside the Cherokee Nation in the past three years? A I have been in the Choctaw Nation.
Q When were you in the Choctaw Nation? A Two years ago.
Q How long did you stay down there? A Three months.
Q For what purpose did you go down there? A My husband was a minister.
Q Did you take all your household effects to the Cherokee Nation? A Yes, sir.
Q What was the name of your husband? A Henry Lewis Cloud.
Q Is he living? A Yes, sir.
Q Is he a Cherokee by blood? A Yes, sir.
Q How old is he? A 27 years old.
Q How long has he lived in the Cherokee Nation? A He was born and raised here.
Q Has he lived in Goo-wee-scoo-wee district? A Yes, sir; no, he lived at Pryor Creek.
Q What is the name of your husband's father? A Sam Cloud.
Q Is he living? A No, sir, he has been dead a long time.
Q He a Cherokee by blood? A Yes, sir, a full blood.
Q What is your husband's ~~xxxxxxx~~ mother's name? A Lucy.
Q She living? A No, sir, she is dead.
Q She a Cherokee? A Yes, sir, half Cherokee.
Q When were you married? A In 1893.
Q Where were you living at the time of your marriage? A At Foyil.
Q In the Cherokee Nation? A Yes, sir.
Q Were you married in accordance with the laws of the Cherokee Nation? A Yes, sir.
Q Have you any documentary proof as to your marriage? A I have my certificate.
(The applicant presents a certificate of marriage showing that one Henry L. Cloud was married to one Lula Tinsley according to the laws of the Cherokee Nation on the 16th day of February, 1893, the ceremony having been performed by J. S. Lamar, Minister of the Gospel, M.E. Church South. The certificate will be filed herewith.)
Q How long did you live with your husband? A I lived with him until - I have just been separated from him; I separated once and then went back to him you know, he left me two years ago and then came back, and then we separated in February a year ago.
Q Did he leave you or you leave him? A He left me.
Q What was the cause of the separation? A I don't know, he just

Mary Louisa Cloud - 2.

went off and said he was coming back, he went off to hold meetings and said he would be back in two weeks, and kept writing he was coming back, and finally wrote he wasn't coming back at all.

Q When was that, two years ago? A No, sir, a year ago in February.

Q When you separated two years ago did you leave him or he leave you? A He left me.

Q What was the cause of that separation? A I don't know myself. Now come it myself; he just told me he didn't want to live with me.

Q Did he ever mistreat you in any way? A No, sir.

Q Did you ever mistreat him in any way? A No, sir.

Q Were you always faithful to him? A Yes, sir, we always got along very well, and I didn't know he had the least idea of leaving me.

Q Were you ever divorced? A No, sir.

Q Have you married since you left your husband? A No, sir.

Q Has he remarried? A No, sir.

By Mr. C. Starr, representative of the Cherokee Nation: Where were you living at the time you first separated? A Lehigh, in the Choctaw Nation.

Q Did you have a home in the Cherokee Nation? A Yes, sir.

Q Where was that? A At Pryor Creek.

Q When you began living together again, where did you live? A Pryor Creek.

Q How long did you live together? A He came back in November, and we lived together until February, the last of February.

Q You say he left you in February? A Yes, sir.

Q Who lives at the home now? A He sold it, he sold it the day he left and I didn't know he sold it until he had sold it and gone.

Q Where were you living the day he left? A I was at Pryor Creek, he told me to go home and stay until he came back, and I left all the things in the house and when he wrote me he wasn't coming back he told me he had sold the place.

Q You say you had gone from home when he sold the place? A No, sir, I was at home when he left, but I didn't know he sold the place; he went down town and sold it the day he left and I didn't know he sold it.

Q Where is he living now? A He is at Pryor Creek; he has been living in Holenville in the Chickasaw Nation; he was up three weeks ago and he told me he was going to Pryor Creek to live.

Q Have you owned property in the Cherokee Nation at all times since you were married? A Yes, sir, I have a place now.

By the Commission: Have you lived in the Cherokee Nation since your husband left you? A Yes, sir, I haven't been out of the Cherokee Nation.

Q What is the name of the child for whom you desire to make an application? A James Henry, born the 5th day of last September a year ago.

Q Is this child alive and living with you? A Yes, sir, I had him here and he cried so I just now taken him down.

(Henry L. Cloud on 1880 roll, page 80, No. 841, Henry Cloud, Cooweescoowee district; on 1886 roll, page 141, No. 1254, Henry L. Cloud, Cooweescoowee district. Mary L. Cloud on 1886 roll, page 299, No. 212, Cooweescoowee district.)

The applicant applies for the enrollment of herself and one child. She is identified upon the census roll of 1886 as an adopted white. She produces satisfactory evidence of her marriage to her husband, Henry L. Cloud, on the 16th of February, 1883. She swears that they lived together as man and wife until two years ago when they separated. They were separated for one year, and her husband returned in November and they lived together until February a year ago. She declares that her husband on both occasions left her. Attention is called to 1887 of the compiled laws of the Cherokee Nation, on the year 1882, which reads as follows: "Every person who shall lawfully marry

Mary Louisa Gloud - 3.

Under the provisions of this act and otherwise abandon his wife, shall thereby forfeit every right and prerogative privilege of citizenship in this Nation. This section applies equally to a woman who abandons her husband. For the further consideration of the Commission, the applicant will be placed upon what is known as a consular card. When final judgment is rendered in her case, she will be notified of the decision of the Commission at her present post office address, in writing.

As to the application which she makes on behalf of her child, James H.: This child is not identified upon the census roll of 1900, having been born since said roll was compiled. The child's father, Henry L. Gloud, is identified upon the authenticated roll of 1900 and the census roll of 1906, as a native Cherokee. Satisfactory proof as to the marriage of the child's parents has been made, and the child will be listed for enrollment by this Commission as a Cherokee by blood, when satisfactory proof as to his birth in the form of affidavit shall be filed with this Commission.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 27th of October, 1900.

M. H. H. H.

Commissioner

SUPPLEMENTAL TESTIMONY.

D Card #1719.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 26th, 1900.

SUPPLEMENTAL testimony in the matter of the application of Mary L. Cloud, et al., for enrollment as a citizen of the Cherokee Nation:

MARY L. CLOUD, being first duly sworn, upon examination by The Commission, testified as follows:

- Q Mrs. Cloud, what is it you now desire to prove by these witnesses?
A Separation between me and my husband.
Q Separation between you and your husband, Henry L. Cloud? A Yes, sir.
Q Are you a white woman? A Yes, sir.
Q Did you make application to the Commission to the Five Civilized Tribes in 1896? A My father did for me.
Q Is that your father? A Yes, sir.

DR. BENJAMIN S. TINSLEY, being sworn, testified as follows, upon examination by the Commission:

- Q What is your name? A B. S. Tinsley.
Q What is your full name? A Dr. Benjamin S. Tinsley.
Q How old are you? A 61 years old.
Q What is your post office? A Foyil.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir, I am not.
Q Is the applicant, Mary L. Cloud, your daughter? A Yes, sir.
Q Did you make application to the Commission to the Five Civilized Tribes in 1896? A Yes, sir, at Vinita.
Q What was the decision of that Commission? A I was rejected.
Q Who was embraced in your application? A I intended to embrace my full family; my daughter was a citizen and I do not know whether I embraced her or not.
Q Did you embrace all of your family? A I believe I did; she was married and a citizen at that time and I might not have embraced her in the application.

THE COMMISSION: Attention is called to Dawes Commission Docket "B", page 375, Cherokee No. 5177, in the case of Benjamin S. Tinsley versus The Cherokee Nation. Filed on the 9th day of September, 1896. The Answer of the Nation was filed and the application was denied, at Vinita, Indian Territory, November 20, 1896.

- Q When you made this application to the Commission to the Five Civilized Tribes, did you apply for anyone besides yourself? A I applied for my family, or meant to do so.
Q What did your family consist of? A Of Mandy and the second is Lula, I might have left her out, and James A. Tinsley and Laura B. and Thomas F. Tinsley. These are the ones I aimed to get on the roll.
Q Did you ever receive a notice from the Commission denying your application? A Yes, sir, I received a notice from the Commission that I was rejected, yes, sir.
Q Did that notice of the Commission simply state that you yourself was denied, or that you and the others were denied? A It just said the application was rejected, I suppose was the statement. I think that was it.
Q You wish to testify as to the separation of your daughter from her former husband, Henry L. Cloud? A Yes, sir.
Q What do you know about that separation? A All in the world I know about it is that they separated at LeHigh, Indian Territory and at the same time afterward Brother Riley came up and it appears that they had brought charges against her in the Church.

Mary L. Cloud--2.

I did not know what they had separated about. He was Presiding Elder of the Methodist Church and I went to him and asked him what charges he brought against my daughter and Riley told me that the charges was non-importance, and the only charge he preferred in the church was that she was not a neat house keeper and he let her off his roll and said he would not re-instate her.

Q Henry L. Cloud has never charged his wife with infidelity? A I never heard of it.

Q He never charged her with cruelty? A I heard that he charged her with whipping one of the children and that he could not stand it. I do not know how I heard that.

Q Did your daughter leave her husband of any own accord or did he send her home? A My understanding was that he told her that he would not live with her and told her to go home.

Q He would not live with her? A No, sir.

Q Was she ~~living~~ willing to live with him? A Yes, sir.

INTERROGATORIES BY JOHN C. STARR, Cherokee Representative:

Q Mr. Tinsley, what relation are you to this woman? A She is my daughter, supposed to be.

Q You say they were living at LeHigh and she came home when they separated? A Yes, sir, came to my house.

Q About this statement you made about the cause of the separation, are you testifying from hearsay and not from what you know of it?

A No, sir, I know that the Presiding Elder told me that it was a charge they preferred in the Church.

Q You do not know of your own knowledge whether this is true or not?

A No, sir. I know that he came back and the little boy died and I asked him what was the trouble, and he commenced crying and said he could not leave Lelia, that was the little girl, and then it went on and they lived together for a time and he left her again and I never seen him any more then until the little girl died, Lelia, and he came up there. I was very sick at the time and did not know he was there until he put his arms around my neck and began crying and that is all I know about it.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 27th day of October, 1900.

[Signature]

Commissioner

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TO THE FIVE CIVILIZED TRIBES

FILED

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ACTING CHAIRMAN

[Handwritten signature]

[Faint, mostly illegible body text of the document, appearing to be a letter or official communication.]

S-719

Department of the Interior.
Commission to the Five Civilized Tribes,
Chalasa, I. T., November 20, 1900.

In the matter of the application of Henry Cloud for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Henry Cloud.
Q How old are you? A 28.
Q What is your position? A Fryer Creek.
Q You live in Coowasee district? A Yes sir.
Q Who do you want to enroll; just yourself? A Myself.
Q No family? A They are enrolled.
Q What are you? A Cherokee.
Q How come it that you were not enrolled? A I never had the opportunity.
Q You got a wife? A Yes sir.
Q Why didn't she apply for you? A She applied at Okemore; we separated.
Q Is she a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? all your life?
A Born here, yes sir.
Q Never lived outside? A Been in the Choctaw two years and the Creek one year.
Q When; the last three years? A Yes sir.
Q For the past year you have been in the Creek Nation? A Yes sir.
Q Before that, two years in the Choctaw Nation? A Yes sir, about two.
Q But that exception you have lived in the Cherokee Nation all your life? A Yes sir.
Q What is the name of your father? A Sam Cloud.
Q Is he dead? A Yes sir.
Q What is the name of your mother? A Lucy.
Q Is she dead? A Yes sir.
Q Are you a preacher? A Yes sir.
Q What are you doing down there? A I have a charge down there.
Q You never vote down there? A No sir.
1880 roll; page 80, #541, Henry Cloud, Coowasee.
1890 roll; page 141, #1254, Henry L. Cloud, Coowasee.
Q In fulfilling your duties as a clergyman in the Choctaw and Creek Nations, have you always considered yourself as a citizen of the Cherokee Nation? A Yes sir.
Q You never voted down there? A No sir.
Q Have you any interests up here; any lands or anything of that sort? A I haven't any lands in particular.
Q But you consider yourself a citizen up here? A Yes sir; I have a couple of horses.
Q You have some stock back here? A Yes sir.
Q And have had all the time? A Yes sir.
Q Now regarding the separation between yourself and wife; did she leave you or did you leave her? A I left her. She left, of course, she considered that I left her. She came away from down there.
Q Did you tell her to leave you? A I told her to do as she pleased; if she didn't go I would.
Q She left virtually by your consent and instructions? A Yes sir.
Q Her application for enrollment is pending because of the separation-- do you care to state anything that will indicate who is to blame for this separation; were you compelled as a matter of duty to tell her to leave you, or was it a question of incompatibility? A I consider that I was forced to leave.
Q Was her conduct such as to make you feel that it was absolutely necessary as an honest man that you and she should part company? A Yes sir.
Q Have you applied for a divorce from her? A No sir.
Q Why not? A I never considered it.
Q You and she have parted more than once, haven't you? A Yes, on two occasions.
Q And you lived together after your first separation for a while?

A About a week I believe.

Q Was her conduct any different in connection with the last separation than it was in the first separation? A I consider it worse.

Q What was it act of temper? A Yes sir, that was one, and mis-are-ting the children.

Q And yet the child is living with her? A Yes sir.

Q Living with her by your consent? A No sir.

Q Are you making any efforts to get the custody of the child? A I have just recently.

Q One serious objection is she does not properly treat the child-- how could you let the child go with her? A I couldn't go and take it by force.

Q How long has she been away from you now? A Two years in February, I believe; it will be two years in February.

Q Is that all you wish to state? A I guess that it all that is necessary.

Q Did she abandon you? A I consider that I did.

Q You consider that she didn't abandon you in the sense that the law speaks of abandonment? A No sir.

Commissioner-Breckinridge--

The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life, except a brief absence in the Choctaw and Creek Nation which is occasioned by his having ministerial charges in those countries, and is not considered to invalidate his citizenship in the Cherokee Nation. He will be listed for enrollment as a Cherokee by blood. It is also directed that a copy of this testimony be filed with the application of Mary L. Cloud, his wife, Case B-719.

E.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 21st day of November, 1906.

E. C. Rothenberger
[Signature]

Commissioner.

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FACT UNIT CHAIRMAN

WILLIAM A. COLEMAN, JR.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Mary L. Cloud for the enrollment of herself as a Cherokee citizen.

Appearances:

A.M. Callaway, Claremore, I. T., attorney for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 17, 1902, that her application for the enrollment of
herself as a citizen of the Cherokee Nation would be taken up
for final consideration by the Commission at its offices in
Muskogee, Indian Territory, on the 7th day of March, 1902.
Receipt has been acknowledged of the Commission's letter and
the applicant this day, to-wit: March 7, 1902, appears in
person and by her attorney, A.M. Callaway.

BY COMMISSION: The attorney for the applicant and the rep-
resentative of the Cherokee Nation submit the case and same
is ordered closed and reported to the Commission for final
decision, based upon the evidence now of record.

The attorney for the applicant requests and will be
granted 15 days in which to file a brief in the case, one
copy with the Commission and one copy with the representative
of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Com-
mission to the Five Civilized Tribes I correctly recorded the tes-
timony and proceedings in this case and that the foregoing is a
true and complete transcript of my stenographic notes thereof.

M.D. Green

Department of the Interior

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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the application of Mary L. Cloud for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-719.

Cherokee Nation examined by J. C. Starr.

MARY L. CLOUD, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Mary Louisa Cloud.
Q. How old are you? A. I am 27 years.
Q. What is your post office? A. Oglesby.
Q. Are you a white woman? A. Yes, sir.
Q. Are you claiming the right to be enrolled as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of your husband? A. Henry Lewis Cloud.
Q. Is he living? A. Yes, sir.
Q. Is Henry L. Cloud a Cherokee by blood? A. Yes, sir.
Q. How long has he been living in the Cherokee Nation?
A. He was born and raised here.
Q. Has he lived in the Cherokee Nation all his life? A. There was about a year, I guess, he was down in the Choctaw Nation, but that is since me and him separated.
Q. When were you married? A. February 16th, 1893.
Q. Is he your first husband? A. Yes, sir.
Q. Are you his first wife? A. Yes, sir.
Q. You say you are separated? A. Yes, sir.
Q. When did you separate? A. I don't remember. It has been nearly four years ago.
Q. What was the cause of the separation? A. Why, I couldn't say just exactly what was the cause. Of course I have an idea. I wouldn't swear that was the cause of it. He went away and stayed with another woman.
Q. What was her name? A. There was two. They stayed there in the same house. Lulu Moody and Annie Link. He stayed there at their house, I guess 10 months, until the elder of the church told him if he went there any more he would dismiss him. They made him leave the town. They dismissed him from preaching.
Q. Was your husband a preacher? A. Yes, sir.
Q. You haven't been living together for four years? A. It hasn't been quite four years.
Q. After he left you and went to living with these women you and he never lived together again? A. No, sir.
Q. What was your conduct towards him while you were living with him. A. I always treated him like I thought I ought to. We never had any trouble.
Q. You were always a faithful, affectionate wife? A. Yes, sir.
Q. Have you married since your separation? A. No, sir.
Q. Have you been living in the Cherokee Nation ever since you were married? A. Yes, sir.
Q. Have you any children? A. I have one.
Q. Is it living? A. One living and two dead.
Q. How many did you enroll?
A. That was the one living.

Examination by Mr. Starr.

- Q. You were separated twice. The first time in Lehigh and the last time in Prior Creek? A. Yes, sir.
- Q. You were living in your own house at Prior Creek?
- A. Yes, sir.
- Q. How long had you been living there before the last separation took place? A. I had been living there about 3 months, I think.
- Q. Tell us what was the cause of that separation? A. Well, what is the cause of that separation. I don't know his cause. He was living with other women. He left me and went-----
- Q. What other women? A. Lulu Moody and Annie Link.
- Q. Where were they living? A. Living at Lehigh.
- Q. Did your husband leave you at Prior Creek? A. The first separation was in Lehigh. We had property at Prior Creek. After my child died he came back. Then he left and went to Lehigh. He said he would be back. He told me he was to attend to a meeting. He said he was coming back. I never seen him, only I met him at the Dawes Commission. He left me at the burying at Prior Creek. He went to Lehigh.
- Q. Were you living at Lehigh when the first separation took place?
- A. Yes, sir. I come home to the place at Prior Creek, then he come back. Then he left me and went to Lehigh.
- Q. Did he have any trouble with the church on account of these other women? A. Yes, sir, they dismissed him.
- Q. Where did they dismiss him? A. Dismissed him at Lehigh.
- Q. He is preaching yet, isn't he? A. He is preaching but not in the Methodist church.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of December, 1902.

Jesse O. Carr
B. Jones
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 30, 1902.

In the matter of the application of Mary L. Cloud for
enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

HENRY L. CLOUD, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Henry L. Cloud.
Q How old are you? A Twenty-nine.
Q What's your postoffice address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q Are you acquainted with the applicant, Mary L. Cloud? A Yes,
sir.
Q How long have you known her? A About twelve years.

By Mr. Hastings,

- Q Were you married to the applicant, Mary L. Cloud? A Yes, sir.
Q About when were you married? A Why, it was about '92, I
believe, or '3, I don't remember.
Q Are you a minister of the Gospel? A Yes, sir.
Q In the charge of the Northern Methodist Church at Tahlequah at
the present time? A Yes, sir.
Q I will ask you if you and your wife are living together at the
present time? A No, sir.
Q Have there ever been any divorce proceedings instituted by either
party? A No, sir.
Q Have they been granted? A No, sir, they are pending yet.
Q About how long have you been separated? A Three years last
February.
Q Where were you separated first? A First time?
Q Yes. A Lehigh.
Q Were you in charge of a church down there? A Yes, sir.
Q I will ask you whether you remained there or whether she remained
there? A I remained there.
Q And she left? A Yes, sir.
Q Where did she go? A She went to Pryor Creek.
Q Pryor Creek? A No, I am not sure. She either went to Pryor
Creek or to her father's.
Q I will ask you what was the cause of that separation? A First
time?
Q Yes. A Cruelty to the children.
Q To whose children? A To my own and two little nephews we had
there.
Q Did she abuse these children? A Yes, sir.
Q In what way? A Whipped them.
Q Are you living in a house of your own down there, separate house?
A Keeping house in the parsonage.
Q In the parsonage? A Yes, sir.
Q There has been some testimony, Mr. Cloud, introduced here in
behalf of the applicant and by herself that the cause of this

separation was that you kept company with immoral women. I want to know what you have got to say about it. A When?

Q Well, about the first trouble, when it came up, of course.

A Oh, along after we were married a year or so we had the first trouble over the children and up until we went down there. Why, while we was down there the trouble came up over the two little nephews. First, she said that I had to either send them away or she was going away and so I told her she could go if she wanted to go. I was going to take care of the children.

Q And the disagreement came up over that? A Yes, sir.

Q I will ask you to answer the other question whether you kept company with immoral women and whether that was the cause of the separation or not? A No, sir.

Q It was not? A No, sir.

Q I will ask you what kind of company would she keep? A Well, she usually went with the worst characters she could get with that seemed like ladies.

Q You deny, then, that immoral conduct on your account was the cause of the separation? A Yes, sir.

Q And you allege that the cause of the separation was because you would not send your little nephews away? A Yes, sir.

Q You kept them there? A And her association with these other people also.

Q Did you regard the people with whom she associated of not the best repute? A Some of them, not all of them.

Q Some of them? A Yes, sir.

Q You did not regard them as the best company? A No, sir.

Q Did you ever go up to where she lived at Pryor Creek? A Yes, sir.

Q Did you ever make any inquiries with reference --- did you start to living with her again? A Yes, sir.

Q Did you start to make any inquiries with reference to her moral conduct? A Yes, sir.

Q What did you find? A Only what she told me herself.

Q Well, what was that? A She told me that she had been insulted by a gentleman in Pryor Creek. Of course, this is not the first.

Q Did you discuss her conduct with her father? A Yes, sir.

Q And what did he say about it? A He said he did not blame me for leaving the way she was acting.

Q You left her then? A Yes, sir.

Q You're still in the service of the church? A Yes, sir.

By A. H. Norwood, attorney for applicant,

Q Haven't you formerly stated in this matter that you left her?

A Sir?

Q Haven't you formerly stated that you left her? A No, sir, I stated that----

Q I did not ask you what you stated, I asked you that question.

A Why, I did not say it direct that way, I stated that she could either go or that I would stay there. That I was the cause of her going away.

Q Where did you say that separation took place? A Lehigh.

Q You at that time was a minister of the Gospel, were you not?

A Yes, sir.

Q Isn't it a fact that you were dismissed from the church on account of your conduct there? A Not from the church, for the charge, for the investigation.

Q What do I understand by that, by the church and the charge. You say from the charge? A Yes, sir.

Q Well, I just asked you if it was not a fact that you were dismissed from the church? A No, sir. You mean the membership?

Q Yes. From the charge of the church you had there as pastor.

A I was dismissed from the pastorate of the church, but not from membership in the church, only for investigation.

Q What was the result of the investigation, were you reinstated?

A Yes, sir.

Q In that same church, in Lehigh church? A No, sir, I was reinstated from the church there. I withdrew in the meantime from the church ministry and after the investigation I united with the church again.

Q The same church? A Yes, sir, in Lehigh.

Q You was accused then of misconduct? A None but her and the preacher, and the preacher that accused me he was dismissed from the conference for the same thing that he accused me of and went away to Idaho.

Q Who was that? A This same man that wrote to her all the information.

Q Well, you was accused and the charge investigated, was it?

A No, I was not accused of anything only to investigate the separation.

Q Was you accused of associating with bad characters? A No, sir.

Q Never was? A No, sir, there was not any accusation brought against me by the church or anybody there.

Q Well, where did she go when she left down there? A I don't know whether she went to her father's or Pryor Creek, I don't remember.

Q Did she go to the home that you and she had? A No, I don't know. I don't know.

Q You don't? A No, sir.

Q Where was she at when you came back? A She was at Pryor Creek.

Q Where at, at some house? A Yes, I gave her the house and the property.

Q She was there then was she? A Yes, sir.

Q What became of the property? A Why, we agreed to sell it to pay the indebtedness.

Q And did you do so? A Yes, sir.

Q Who sold it? A I did.

Q What did you do with the proceeds? A I paid part of the indebtedness and part of it was never paid yet.

Q She got no part of it? A No, sir, only we paid the funeral expenses of the children.

Q Can you state one, two or three persons that she associated with that you thought were immoral? A Yes, sir.

Q Were they men or women? A Women.

Q Can you give the names? A Yes, sir.

Q Name one or two, will you? A Jennie Wade and Mrs. Bigsby, I don't know her given name.

Q Well, did not you stay with Mrs. Wade also, living there, boarding with her? A No, sir.

Q Never did? A No, sir.

Q Never did take your meals there? A No, sir, not only with her.

Q You went there with her, took your meals there, did you?

A Yes, sir.

A You and her? A Yes, sir.

MARY L. CLOUD, being sworn, testified as follows:

By Mr. Norwood,

Q You heard the statement made by the witness. Did you make any statement to the Commission? A Being true about the matter I say so far as me ever mistreating or abusing his little nephews is all false. I whipped one one time and he said he was mad at me, and so far as me saying that, and he further told me if I did not leave he would leave and never would come back and he give me the money to come away on, and the women I associated with in Lehigh that he spoke of one I don't know and the other he was associating with when I went there, and she was a nice woman and I think lots of her. She was a member of the Campbellite Church and when I was there at Lehigh she visited me right away after I went there and she spoke of what she thought of Brother Cloud and he was such a good nice man and he visited her so often, and that's what he started first, and I think that these women he associated with was far more immoral than she was.

Q What women did he associate with? A Why, Lillie Moody and Annie Link.

Q They live down there? A Yes, sir.

Q Members of his Church? A Yes, sir.

Q Did you tell him so at the time? A No, but things has led me to think so since.

Q That was not the cause of the separation? A No, sir, he simply sent me home and I do not know the cause.

Q Did not you know you was going to leave him when you left that time? A Yes, sir, and I cried for three weeks and begged me to let him stay and begged him to tell me the reason he was going to send me away.

Q Where did you go? A To my father's at Foyil.

Q Did he come up to see you after you went up to Pryor Creek?

A Yes, sir.

Q How long did he stay up there? A He come up there the first time, he come and he stayed two or three days. I was sick and he just come because I was sick and he went away and later he wrote me a letter and told me he would be at home and I did not get the card on the dat he wrote it and he sent a man to see if I was willing he could come back and I told him I was perfectly willing and he stayed all night -- and he went, that was Sunday night -- went away Monday morning.

Q Did he come back then? A He said he was going to hold a meeting at Big Cabin and I had not been to the postoffice to get the card there and we got a letter stating he would never come back.

Q Did he state the reason? A No, sir, he just said he had decided it was best for us not to live together, I did not get the last letter. I wrote to him and he would not come back and I told him the little boy was dying and he died a few minutes after he got there. He lived with me then until February and has not since.

Q Until February? A Yes, sir.

Q What February? A It has been three years ago, it will be four this coming February.

Q Where were you living then when you separated? A At Pryor Creek. I was staying at my father's and he wrote me to come.

Q How long did you live together the last time? A From the 18th of November until about the middle of February.

Q About three months? A Yes, sir.

Q You lived together up there, did you? A Yes, sir.

Q What was the cause of your separation then? A He wrote me to come up to Pryor Creek. He had been holding a meeting there and I went and he told my brother to come and he said he wanted to move over to pa's and I went and he wanted to go somewhere else and he sent me back home.

By the Commission,

Q What did he do after he sent you home? A He went to Cadwell.

Q Went where? A To Cadwell to hold a meeting, he said then, he wrote me a letter that he had to go to Lehigh on business but he did not send me no money.

Q Did he come back to you after that? A No, sir, he come back when my little girl died and he finally wrote me he was not coming back at all, and I wrote him and begged him to come back to me, I was not able to take care of myself, and he would not.

HENRY L. CLOUD, recalled, testified as follows:

By the Commission,

Q Did you live with this woman from November until the following February up in Pryor Creek, as she says? A No, sir.

Q Never lived with her that length of time? A No, sir.

Q You heard her statement, did you? A No, sir.

Q She said from about November 12, till February following, making a period of about three months. A I did not live with her.

Q You heard her statement about you finally leaving and going down about Cadwell to hold a meeting and then to Lehigh and from there you wrote her you was not going to live with her any more? A Yes, sir.

Q Did you do that? A Yes, sir.

Q I will ask you when you sent her home from Lehigh did you give her money to go home on? A Yes, sir.

Q And did she know that you were separating from her at that time? A Yes, sir. Can I make a statement? We first taken Mrs. Wade and had a talk with the three of us present and I offered to send her to school anywhere she wanted to and to do any way that was agreeable in order to get along with her and she said she married me to live with me and she was not going and would not agree to anything but to live with me.

Q Well, did she know when she left you down at Lehigh that you were not going to live with her? A I could not say any more than from her actions.

Q Did you let her have money to go home on? A Yes, sir.

Q She had two children, didn't she, or one? A Yes, sir, two.

Q These children are both dead as I understand now? A Yes, sir.

Q Did you tell her when she left you that you were not going to live with her any more? A Yes, sir.

Q She understood that at the time? A Yes, sir.

Q Now, how long have you lived with her as husband and wife after that time? A After that time?

Q Yes. A I can't state the time any more than I was not at home over four or five nights, that is, with her at her home. Mrs.

Mayfield of Colagah told me sufficient that I knew it was not right for me to live with her.

Q Well, now, what is the cause of your not living with her finally the last time? A Her general reputation.

Q Reputation for immorality? A Yes, sir.

By Mr. Herwood,

Q You say you can state positively that you lived with her more than four or five days or not? A I could not state how long. We agreed between us but I was not at home over four or five nights. I don't remember the length of time before I wrote to her after we made up and lived together.

Q Did you not go around in February sometime and stay all night with her subsequent to that time? A I left there the first day of February, if I remember, and went to Craigs.

Q You stayed with her that night, did you? A Yes, sir.

Q And then left and went to the Choctaw country? A Yes, sir.

Q And then didn't you write back to her that you never intended to live with her any more? A Yes, sir.

Q That was after all this other talk and matter you had heard about her? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 12th day of December, 1902.

B. B. Jones

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application for the enrollment of
Mary L. Cloud as a citizen by intermarriage of the Cherokee Nation.

|| || || || || || || ||

DECISION.

--10:--

The record in this case shows that on October 26, 1900, Mary L. Cloud appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902, October 20, 1902, and again on October 30, 1902. There is filed with this case and made a part of the record herein the testimony of Henry Cloud in the matter of his application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the said Mary L. Cloud was lawfully married on February 16, 1893, to Henry L. Cloud, a citizen by blood of the Cherokee Nation, who is identified on the Cherokee Authenticated Roll of 1880. The said Mary L. Cloud is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Mary L. Cloud has lived with her said husband in the Cherokee Nation and Indian Territory from the date of her marriage to him until 1898, when he separated from and abandoned her, since which time she has continued to reside in the Cherokee Nation, and had not been divorced or re-married up to and including September 1, 1902.

From the records of the Commission it appears that the applicant, Mary L. Cloud, filed her original petition under the Act of Congress of June 10, 1896, (29 Stats., 321) with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which was denied by the Commission, and no appeal taken therefrom.

It is the opinion of this Commission that the applicant's right to enrollment as an intermarried Cherokee is not prejudiced by the denial of her application for admission as a citizen by blood, under the provisions of the said Act of June 10, 1896, (29 Stats., 321), and that the said Mary L. Cloud should, therefore, be enrolled

Shoshone 3-719.

as a citizen by intermarriage of the Shoshone Nation, in accordance with the provisions of the Act of Congress approved June 25, 1906, (34 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamr Pixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -1 1908

ATTORNEYS

...OFFICE OF...

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.---

Muskogee, I. T. Mar. 11, 1902.
719

The Clerk of the United States Court.

Vinita,

I. T.

Dear Sir:-

Please advise if records show that a divorce suit has been brought between Mary L. Cloud, and her husband, Henry Cloud. If so, kindly advise us if their case has been settled, and on what grounds was a divorce granted.

Yours very truly,

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee D-719

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Mary L. Cloud for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-1324

COMMISSIONERS

HENRY L. DAWES,

TAMM BIXBY,

ARCHIBALD S. MCKENNON,

THOMAS B. NEEDLES.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH, Secretary.

Henry Cloud says he will write me
that he intended to write a division
of the last letter of each
of them.

Henry L. Cloud would
state that he does
not consider the
Baby born to Mary
L. Cloud as his
decoration as his
child - that he with
her for the last
time about Feb 1, 1899 -

and the child was
born Sept 5, 1899 -

That the conduct of
mother was such that
he believes the child
is not his & that he
left her on account of intimacy with
other men -

Child is James H. Cloud
card No 4980 -

Henry L. Cloud's P.O.
is Fehleguoh N.J.

Harry L. Crow

Original testimony of 10/26/00
Memo. of Application of 11/26/00

Supplementary testimony of 11/26/00

Supplementary testimony of 11/26/00

Marriage Certificate

Notice of final consideration, 3/1/02

Receipt for testimony

Order closing testimony 3/1/02

Cancelled and transferred
to Cherokee 11/10/04

Decision. E

See Cherokee Jacket #4980.

Cher D 720

Cher D 720

RECEIVED BY
COMMISSIONER

20 E

1911

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1911

R

DELAWARE:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 26th, 1900.

In the matter of the application of William H. Hundley for the enrollment of himself and wife as citizens of the Cherokee Nation; by Delaware blood; said Hundley being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A William H. Hundley.
Q How old are you? A I am 45 years old.
Q What is your post office address? A Claremore.
Q You make application for enrollment as a Cherokee by blood?
A No, sir, by adoption.
Q For whom do you apply for enrollment? A Myself and wife.
Q What district are you living in? A Cooweescoowee.
Q How long have you lived in Cooweescoowee District? A I have been here ever since I have been married, 18 years.
Q Where did you live prior to that time? A I came here in 1870.
Q Where did you come from when you came to the Cherokee Nation?
A Kentucky.
Q Have you lived in the Cherokee Nation continuously since 1870? A No, sir, I lived about a year in Texas. A
Q Have you been out of the Cherokee Nation in the past three years?
A Yes, sir, I suppose I have been out but not to stay any length of time.
Q When and for what purpose did you go out of the Cherokee Nation?
A I went to Kansas City on business.
Q You never have been out of the Cherokee Nation except for business or pleasure? A No, sir.
Q Have you made your home in the Cherokee Nation continuously for 18 years? A Yes, sir.
Q What is the name of your father? A Noah Hundley.
Q Is he living? A No, sir, dead.
Q What is your mother's name? A America L. Hundley.
Q Is she living? A Yes, sir.
Q Did your parents ever claim to be citizens of the Cherokee Nation?
A No, sir.
Q What is the name of your wife? A Margaret H. Hundley.
Q How old is your wife? A 32 years old.
Q Is she Cherokee by blood? A She is a Delaware.
Q What is the name of your wife's father? A I could not say.
Q Is he alive or dead? A Dead.
Q Was he Delaware by blood? A I do not believe he was.
Q What was the name of your wife's mother? A I do not know.
Q When were you married? A September 20, 1882.
Q Have you a certificate of your marriage? (Hands papers to Commission.)
Q This appears to be nothing but a copy of the record made before a Notary Public. You will have to get a certified copy of the marriage record from the Executive office at Tahlequah, and file it with the Commission. The Commission will now accept this.
Q How long has your wife lived in the Cherokee Nation? A She came here in 1869.
Q Has she lived here continuously ever since? A I think so.
Q Does her name appear upon the roll of 1880? A Yes, sir.
Q What was your wife's name before you married her? A Her name was Love.

1880 Roll; page 131, #1691, Margaret Love, Cooweescoowee.

1894 Roll; page 307, #452, William H. Hundley, Cooweescoowee.

1896 Roll; page 372, #636, Margaretta, L. Hundley, Cooweescoowee.

William E. Hurdley--2.

The Commission: The applicant applies for the enrollment of himself and his wife. He is identified upon the census roll of 1896 as an adopted white. He avers that he was married to his present wife in the year 1888, but produces no evidence as to that effect. He will, therefore, be listed for enrollment by this Commission as a Cherokee by intermarriage, upon a doubtful card, admitting proof as to his marriage with his present wife. His wife is identified upon the authenticated roll of 1890 as an adopted Delaware, and upon the 1896 census roll as an adopted Delaware. She will be listed for enrollment by this Commission as a Cherokee citizen of Delaware blood. The applicant has given satisfactory proof as to his continuous residence in the Cherokee Nation, and his wife has lived in the Cherokee Nation continuously since 1880.

J. C. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Reason

Subscribed and sworn to before me this 26th day of October, 1900.

W. H. Hurdley

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of William H. Hundley for enrollment as a citizen of the Cherokee Nation.

—O—

On the 25th day of October, 1900, William H. Hundley appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Margaret M. Hundley, as a Cherokee citizen of Delaware blood.

At the conclusion of the evidence offered at that time Margaret M. Hundley was duly listed for enrollment as a Cherokee citizen of Delaware blood upon a regular card, and the name of the applicant was placed upon a doubtful card, awaiting proof of his marriage under Cherokee law.

Further evidence in the case has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

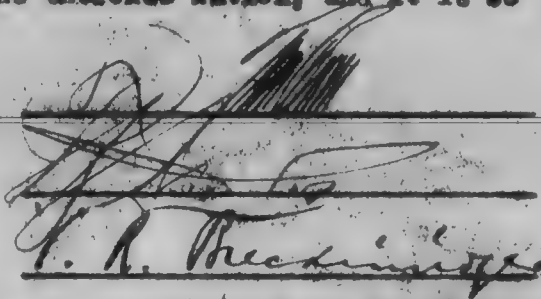
From all the evidence of record in this case it appears that William H. Hundley was married to Maggie Love on the 20th day of September, 1882, under authority of a Cherokee marriage license issued on the 18th day of September, 1882. He is a white man and has continuously resided in the Cherokee Nation since his said marriage. He is identified upon the 1896 census roll. His wife is duly identified upon the 1880 authenticated tribal roll of the Cherokee Nation and upon the 1896 census roll. She appears to have resided in the Cherokee Nation since the year 1882.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 25, 1896 (29 Stat., 425):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is

authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who have been admitted to citizenship by the said authorities; and they shall investigate the right of all other persons whose names are found on any other rolls and enroll all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that William H. Rindley is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



T. R. Beckwith

Commissioners.

Dated at Muskogee, Indian Territory,

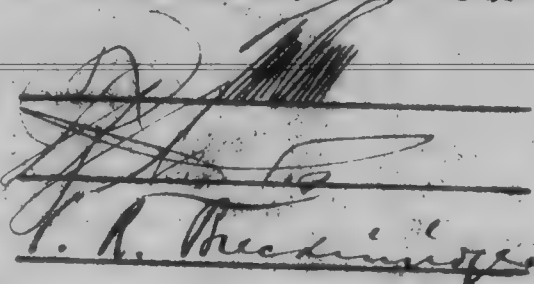
MAY 20 1902

CORRECTION

THIS DOCUMENT
HAS BEEN
REPHOTOGRAPHED
TO ASSURE
LEGIBILITY

authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the rights of all other persons whose names are found on any other rolls and enroll all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that William H. Hundley is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



T. R. Brackins

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D. 720.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

V. V. Hastings, Esq.,

Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of William H. Mandly for the enrollment of himself as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,


Commissioner in Charge.

Encl. D-720.

William H. Hundley

- Original testimony of '10/26/00
- Memo of Application of '10/26/00
- Certified Copy of Marriage

Copies of the same are
in

Sept 25, 1902 Cancelled and
transferred to 9635

9635

See Delaware Jacket 320

Ex. 1. D-720

Cher D 721

Cher D 721

R.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee, I.T. October 27th, 1900.

IN THE MATTER OF THE APPLICATION OF THOMAS A McDONALD FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND ONE CHILD, AND HIS STEP-CHILD, AS CHEROKEE CITIZENS.

The said Thomas A. McDonald, being sworn by Commissioner C. L. Brockbridge, was examined by the commission and testified as follows:

- Q What is your name? A Thomas A. McDonald.
Q How old are you? A I will be thirty-four my next birth.
Q What is your past office? A Geleghah.
Q Do you make application for enrollment as a Cherokee citizen by blood? A No, sir.
Q By adoption? A No, sir.
Q For whom do you apply? A For Mary Cheat.
Q Who is Mary Cheat? A A daughter of David Cheat.
Q How is she related to you? A By marriage.
Q Are you her husband? A Yes, sir.
Q Then her name is Mary McDonald, isn't it? A Yes, sir.
Q You don't make application for yourself? A Well, by adoption yes, sir.
Q Yourself and wife? A Yes, sir.
Q Have you got any children? A Yes, sir.
Q How many children? A Two.
Q You make application for the enrollment of yourself, wife and two children? A Yes, sir.
Q What district do you live in? A Seconassee.
Q How long have you lived there? A About two years.
Q Where did you live prior to that time? A Sequah District.
Q How long have you lived in the Cherokee Nation? A Fourteen years.
Q Where did you come from when you came to the Cherokee Nation? A From Arkansas.
Q Have you been out of the Cherokee Nation for the past three years? A No, sir.
Q Have you been living continuously in the Cherokee Nation for the past fourteen years? A Yes, sir.
Q What is the name of your father? A Joseph McDonald.
Q Is he living? A No, sir.
Q Was he a Cherokee or a white man? A He is a white man.
Q What is the name of your mother? A Nancy McDonald.
Q Is she living? A Yes, sir.
Q Did your parents claim to be citizens of the Cherokee Nation? A No, sir.
Q What is the name of your wife? A Mary Ann.
Q Is she living? A Yes, sir.
Q How old is she? A She is twenty-eight.
Q What was her name before you married her? A Cheat.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A She was born here. She has been living here for twenty-eight years.
Q Has she been out of the Cherokee Nation within the past three years? A No, sir.
Q What is the name of her father? A David Cheat.
Q Is he living? A Yes, sir.
Q Is he a Cherokee? A Yes, sir.

Q What is your wife's mother's name? A Lavanda was her mother's, live n name.

Q Is your wife's mother living or dead? A She is dead.

Q Was she a Cherokee or a white woman? A White woman.

Q Does your wife's mother's name appear upon the roll of 1880? A I think it does.

Q When did you marry her? A In 1898.

Q Where were you living at the time of your marriage? A At Wad-dow, in Sequah District.

The applicant presents a Cherokee marriage license authorizing the marriage of Thomas A. McDonald to Mary Sheate, a citizen of the Cherokee Nation, issued on the 17th day of February, 1898 by W. O. Bruton, Clerk Sequah District, Cherokee Nation, and certificate showing that said marriage was consummated on the 19th day of February, 1898 by P. F. Dooley, an ordained minister of the gospel. The same are filed herewith.

Q Have you lived with your wife continuously since you married her in 1898? A Yes, sir.

Q Were you ever married prior to your marriage to her? A Yes, sir.

Q What was the name of your first wife? A Hannah Pence.

Q Was she a white woman? A Yes, sir.

Q When did you marry her? A I married her in 1899, I believe, in January, the 23rd.

Q How long did you live with her? A I lived with her eight months.

Q Is she living? A No, sir; she died.

Q Did you live with her up to the time of her death? A Yes, sir.

Q Was your wife ever married before you married her? A Yes, sir.

Q What was the name of her former husband? A Vaughn.

Q Was he a Cherokee or a white man? A White man.

Q When was your wife married to Vaughn? A I don't believe I can tell.

Q Do you know about how long ago it was? A Why is has been ten years ago.

Q How long did she live with him? A She lived with him about six or eight months. I don't know just exactly the time.

Q Is he living or dead? A He is dead now.

Q Did she live with him up until the time of his death? A No.

Q Were they divorced? A Yes, sir.

Q Have you a copy of the decree of divorce in that case?

A No, sir; I have not.

Q Did your wife secure the divorce or did he secure it? A Why she did.

Q Where was this divorce secured? A At Sequah Court House.

Q Was it secured in the Tribal court? A Yes, sir.

Q Did your wife's first husband die before you married her? A No. He was living at the time I married her.

Q Give the names of the children, now, for whom you desire to make application. A The eldest is Charles Vaughn, his child.

Q How old is this child? A Ten years old on his birth day.

Q What is the name and age of the next child? A Seven years old is his birth.

Q What is its name? A Winnie May McDonald.

Q Who is the father of Charles Vaughn? A David Vaughn, her first husband.

Q He is dead, is he? A Yes, sir.

Q Is your present wife the mother of that child? A Yes, sir.

Q She is also the mother of your child? A Yes, sir.
 Q You are the father of that child? A Yes, sir.
 Q Are both these children alive and living with you at the present time? A Yes, sir.
 Q Was your wife's father ever known as Anderson Cheat? A No, he had a brother though.
 Q Where was your wife living in 1890? A In Sequoiah District. She was born and raised there.
 1890 Roll, page 690, No. 343, Mary Cheat, Sequoiah District
 1896 Roll, page 1114, No. 109, Thomas A. McDonald, Sequoiah District. Adopted white.
 1896 Roll, page 1084, No. 980, Mary McDonald, Sequoiah District.
 1896 Roll, page 1084, No. 981, Winnie M. McDonald, Sequoiah District.
 1896 Roll, page 1107, No. 1890, Charley Vaughn, Sequoiah District.

The applicant applies for the enrollment of himself his wife, his daughter and one step-son. He is identified upon the census roll of 1896 as an adopted white. He produces satisfactory evidence as to his marriage in accordance with the laws and customs of the Cherokee Nation in the year 1893, to Mary Cheat, a citizen of the Cherokee Nation. He avers that he was previously married to one Hannah Pence, a white woman, and lived with her continuously up until the time of her death. His wife is identified upon the authenticated roll of 1890 under her maiden name, and upon the 1896 census roll under the name of her present husband. She has lived in the Cherokee Nation all her life and will be duly listed for enrollment as a Cherokee citizen by blood. His child, Winnie M. McDonald is identified upon the census roll of 1896, and satisfactory proof as to her residence having been made this child will be listed for enrollment as a Cherokee by blood.

His step son, Charles Vaughn, a child of his present wife by a former husband, David Vaughn, is identified upon the census roll of 1896 as a native Cherokee, said child having lived in the Cherokee Nation all his life and will be listed for enrollment by this commission as a Cherokee by blood.

The applicant avers that his wife was previously married to one David Vaughn; that she lived with him but a short time, when they separated; that a divorce was granted; but, as he fails to produce a decree granting his wife a divorce from her former husband, he will be placed upon what is known as a doubtful card, and will be required to file with this commission the decree granting his wife the divorce from her former husband David Vaughn. He makes satisfactory proof as to his residence in the Territory, and he will be listed for enrollment as an intermarried citizen of the Cherokee Nation.

The undersigned, being sworn, states that as stenographer to the commission to the five civilized tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of October 1900.

[Signature]
 Commissioner.

Under the provisions of the Act of March 3, 1879, Chapter 13, Section 1, the

Board of Commissioners of the District of Columbia is authorized to

the Board of Commissioners of the District of Columbia is authorized to

the Board of Commissioners of the District of Columbia is authorized to

the Board of Commissioners of the District of Columbia is authorized to

the Board of Commissioners of the District of Columbia is authorized to

313
D
Commissioner of the District of Columbia

8819
Cherokee D-721.

Department of the Interior,
Commission to the Five Civilized Tribes,
Waskogie, I. T., February 26, 1902.

In the matter of the application of Thomas A. McDonald for
enrollment as a citizen of the Cherokee Nation.

—O—

Supplemental Statement.

On the 20th day of January, 1901, there was filed with
the Commission a duly certified copy of a decree of divorce rendered
by the Circuit Court of Sequoyah District, Cherokee Nation, on
the 21st day of September, 1891, from which it appears that the
bonds of matrimony theretofore existing between Mary Vaughn and
Dave Vaughn were dissolved.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Thomas A. McDonald for enrollment as a citizen of the Cherokee Nation.

On the 27th day of October, 1900, Thomas A. McDonald appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary A., his step-child Charles Vaughn, and his child Minnie M., as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time his wife, Mary A., his step-child Charles Vaughn, and his child Minnie M., were listed for enrollment on a regular card and the name of Thomas A. McDonald was placed upon a doubtful card, awaiting evidence of the divorce of his wife, Mary A., from her former husband, David Vaughn.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N

From the evidence of record in this case it appears that Thomas A. McDonald is a white man; that he was duly married to his wife, Mary A., under the name of Mary Shate, on the 19th day of February, 1895, under authority of a marriage license issued on the 17th day of February, 1893, by the Clerk of Sequoyah District, Cherokee Nation; that he had been previously married, but his former wife was dead at the date of the consummation of his marriage to his present wife.

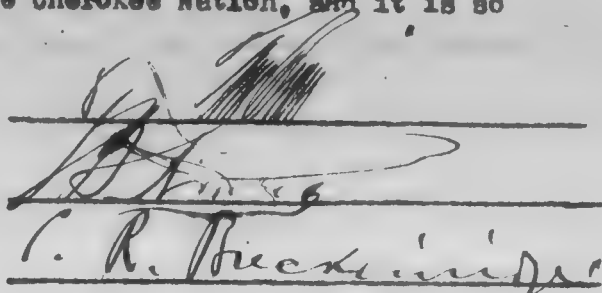
It further appears that his wife, Mary A., had been previously married to one David Vaughn and that she had been legally divorced from said David Vaughn on the 31st day of September, 1891.

It further appears that the applicant, Thomas A. McDonald, has resided in the Cherokee Nation since his marriage to his wife and that his name appears upon the 1896 census roll of the Cherokee Nation. His wife, Mary A., has resided in the Cherokee Nation all her life. Her name appears upon the 1880 authenticated tribal roll of the Cherokee Nation and the census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Thomas A. McDonald is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



C. R. Bucknidge

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D. 721.

ALLISON I. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Thomas A. McDonald for the enrollment of himself as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Encl. D-721.

Thomas A. M. Donald

Original testimony of 7/2/00
Memo of application of 7/2/00
Certified copy of decree of divorce
of applicant's wife from former husband
Supplemental statement, 7/28/00

Copy of original testimony

2/1/01

Sept 2, 1902. Received and
transmitted to the No 96

See Cherokee Jacket #4987.

Cher D 722

Cher D 722

Transferred to
R. 380

Maria C. Smith

A Original testimony of 7/27/00

B Memo. of Application of 7/27/00

C Notice of final consideration, 3/7/02

D Order closing testimony 3/7/02

Cancelled August 21,
1902. and returned to
Cher

Ho

See Ch. R: 380

See Christy Ticket R 333

Decision - E

Cher D 723

Cher D 723

Department of the Interior,
Commission to the Five Civilized Tribes
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 27th 1900.

In the matter of the application of Elizabeth J. McClain for the enrollment of herself and two children as Cherokee citizens. She being sworn testifies before the Commission as follows:

Q What is your full name? A. Elizabeth J. McClain.
Q How old are you? A. 34.
Q What is your post office address? A. Claremore.
Q Do you make application for enrollment as a Cherokee by blood? A. I am a citizen by adoption.
Q Do you make application for enrollment as a citizen by intermarriage? A. Yes sir, if they take me in, I was married in 1891.
Q What district do you live in? A. Cooweescoowee.
Q How long have you lived in this district? A. 6 years.
Q Where were you living before that time? A. Canadian.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Have you been outside of the Cherokee Nation during the last three years? A. No sir.
Q What is your father's name? A. Thomas Kennedy.
Q Is he living or dead? A. Dead.
Q Is he a white man? A. Yes sir, a white man.
Q What is your mother's name? A. Sarah.
Q Is she living or dead? A. Living.
Q Is she a white woman? A. Yes sir.
Q Your parents never claimed to be citizens of the Cherokee Nation? A. No sir.
Q Are you married? A. Divorced.
Q What is the name of your former husband? A. Just had one husband.
Q Tell what his name? A. McClain.
Q Was it John or Jim or what? A. His name is James McClain.
Q Is he living? A. Yes sir.
Q Is he a Cherokee or white man? A. Cherokee.
Q How old is he? A. About 40.
Q What district does he live in? A. This district, Cooweescoowee.
Q Was he born and raised in the Cherokee Nation? A. Yes sir.
Q When were you married to him? A. In 1891.
Q Where were you living at the time of your marriage? A. In Canadian district.
Q Were you married according to the laws and customs of the Cherokee Nation? A. Yes sir I married the way they said was right.
Q Have you any evidence of your marriage with James McClain? A. Yes sir I guess that is evidence. (Applicant here hands Commission a paper) Q. This is all your have? A. Yes sir.
Applicant presents marriage license authorizing the marriage of James McClain to Miss Elsie J. Kennedy, issued on the 11th of May 1891 by William Nelson Clark of the United States Court for the Northern District of Oklahoma, First Judicial District of the Indian Territory. And a certificate showing that said marriage was performed by the Rev. Geo. W. Adkins a minister of the Gospel on the 11th day of May, A. D. 1891. License and certificate is filed herewith.
Q How long did you live with your husband? A. 7 or 8 years.
Q You are not living with him at the present time are you? A. No sir.
Q Are you divorced from him? A. Yes sir.
Q Did you secure a divorce or did he? A. I secured it.
Q Did you bring the suit for divorce? A. Yes sir.
Q Where were you living when the divorce was granted? A. Here.
Q Was it granted by the Tribal Courts of the Cherokee Nation? A. Yes sir.
Q Have you any evidence of your divorce from him? A. Here it is.
Q This suit was brought in the United States Court instead of his tribal courts was it? A. Brought in the courts that they said was the only one that was allowed to be used.
Applicant presents certified copy of a decree granting her a divorce from James McClain on the 26th of May 1893, in which she is also granted

the custody of the minor children. The same is filed herewith.

By Cherokee Representative Baugh:

Q What was the cause of the separation between you and your husband?
Q I don't know as I have to answer that. Here is some papers. We
didn't get along and he didn't treat me rig t.

By the Commission:

Q In what way did he mistr at you? A. Lots of ways.
Q Was he cruel in his treatment towards you? A. Yes sir.
Q In what way was he cruel, Did he ever strike you? A. Yes sir. &

By Mr. Baugh-

Q Did your husband abandon you? A. Yes sir.
Q Did he deliberately get up and go off and quit you without any
cause? A. I just quit living with him he abused me so I couldn't
live with him.
Q Did you stay at the place where he was living? A. I st id with
my children.
Q Didn't you take a gun and run him off? A. No, he tried to kill me.
Q Is it not a fact that you told him to get up and leave the place?
A. No sir.
Q Did you tell him that you would not live with him any long er? A.
Yes sir I refused to live with him.

By the Commission:

Q Who are the children for whom you make application for? A. They
are my children.
Q What is the oldest child's name? A. Hattie Jane.
Q How old is this child? A. 5 years.
Q What is the name of the next child? A. Sarah E.
Q How old is Sarah? A. 3 years old.
Q Have you any other children? A. No sir.
Q Are these children both alive and living with you at this time?
A. Yes sir.
Q Has your husband ever given you any money since your divorce to
support these children? A. No sir.
Q Do you know what your husband's fathers name was? A. No sir.
Q Did your husband have any brothers? A. Austin McGlavin.

1880 roll, page 34, No. 941, Jas McGlavin, Canadian Dist. H. C.
~~XXXXXXXXXXXXXXXXXXXX~~

1896 roll, page 294, No. 2944, Jas. McGlavin. ~~XXXXXXXXXXXX~~
1896 314 298 Lizzie McGlavin, " Adopted white
1896 304 2940 Hattie McGlavin "

The applicant applies for the enrollment of herself and two children
who is identified on the census roll of 1896 as an adopted white.
She has lived in the Cherokee Nation all her life. She produces
satisfactory evidence of her marriage on the 11th of May 1891. She
avows that she separated from her husband in 1896, she secured a
divorce in the United States Court for the Northern District of the
Indian Territory from her husband James McGlavin and was also given
the custody of her two children. Attention is called to Section
207 of the enrolled laws of the Cherokee Nation of the year 1892,
which reads as follows: " Every person who shall lawfully marry
under the provisions of this act and afterwards abandon his wife
shall thereby forfeit every right and privilege of citizenship in
this Nation "

This section is equally binding upon her a wife who abandons her husband. For the further consideration of the Commission the applicant will be placed on what is known as a white card, and when the final judgment is rendered she will be notified in writing at her present post office address. She will be classed as a Cherokee by inter-marriage. As to the application which she makes on behalf of her two children, the father of those two children, and husband of applicant, is identified of the authenticated roll of 1899 and the census roll of 1898 as a native Cherokee. Her oldest child is identified on the census roll of 1898 as a native Cherokee and will be enrolled by this Commission as a Cherokee by blood. When she furnishes proper and satisfactory proof of the birth of the youngest child, it also will be listed for enrollment as a Cherokee by blood.

.....

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this the 28th of October, 1900.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 27th, 1900.

In the matter of the application of Elizabeth J. McClain;
Cherokee Card No. D - 783.

Supplementary testimony.

- Q What is your name? A James McClain.
Q What is your age? A About 40.
Q What is your postoffice? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

J.L. Baugh representative of the Cherokee Nation-

- Q Mr. McClain are you acquainted with the Elizabeth J. McClain?
A Yes sir.
Q What relation did she bear to you? A She don't bear any now.
Q What has she borne to you? A My wife once.
Q Are you and she separated at this present time? A Yes sir.
Q How long have you been separated? A Two years 25th of January, this coming.
Q What was the cause of that separation? A There wasn't anything as far as I can see; we were talking one night and she got mad and began fighting. Her and her mother always were on me and I couldn't do anything myself.
Q Did she abandon ya or did you abandon her? A I don't know. We come down to town, and I went back to come to stay, and she said she didn't want me there; she said I couldn't stay there.
Q There has been such a thing said that she shot at you and run you off? A I don't know; I went by there one evening; was talking to a man, he had my gun, she come rushing out and I didn't want to have any fuss with her. She shot a shot; I don't know whether she shot at me or not.
Q Did you go back after that? A No sir.
Q Do you think it was dangerous to go back? A I know it was.
Q Did she actually refuse to live with you afterwards? A Yes, she said she didn't want me; she said she had no use for me.
Q She said you for divorce? A Yes sir.
Q You didn't appear before the Court? A No sir.
Q What was the cause of that? A I wouldn't bother no one for a divorce.
Q You would simply give it to her? A I would simply give it to her.
Q At the same time she deliberately run you off from the place?
A Yes.

The Cherokee Nation claims through its attorneys that the said Elizabeth J. McClain abandoned her husband, James McClain, and thereby forfeited her rights under Section 607 of the Compiled Laws of the Cherokee Nation of 1898, and thereby not entitled to enrollment.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 27th day of October, 1900.

E. G. Rothenberger
Notary Public.

R

C. D-723

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Elizabeth J. McClain for enrollment as a Cherokee citizen.

Appearances:

A.W. Callaway, Claremore, I. T., attorney for the applicant.
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and her attorney were notified by registered letter February 17, 1902, that the application of Elizabeth J. McClain for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter both by the applicant and her attorney, and she this day, to-wit: the 7th day of March, 1902, appears in person, and by her attorney, A.W. Callaway

BY MR. CALLAWAY: The attorney for the applicant desires to submit the case on the testimony, and requests 15 days in which to file a brief in the case.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file brief in the case, one copy with the Commission and one copy with the representative of the Cherokee nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

FILED

NOV 28 1902

Q Has he ever had the children? A No sir.
Q Does he ever come to see them? A No sir.
Q Has he ever been back to try and get you to live with him? A No sir.

Q He has never made no provision for the children, he just left them for you to take care of them? A No, I haven't seen him. He hasn't given anything to me; he hasn't given me anything.

Q Has he given the children anything? A No sir.
Q So you have had to support the children and yourself ever since you separated from James McClain? A Yes sir.

Q Without any help from him? A Yes sir, living there alone.
Q Have you ever been divorced from him? A Yes sir, I have been divorced from him.

Q When were you divorced? A I may be three years.
Q What time did you get it? United States court? A Yes sir.
Q At Birmingham? A Birmingham and Montgomery court.

Q It was carried all around? It was in Montgomery.
Q Have you ever married any other man since you married James McClain? A Yes sir.

Q You haven't married since you were divorced from him? A No sir.
Q Were you still a single woman on the first day of September, 1902? A Yes sir.

Q Have you lived in the Cherokee Hotel all the time since you were married to James McClain? A I got up to the present time? A Yes sir.

Q You haven't lived out of the Cherokee Hotel since that time? A No sir.
Q And these two children have lived with you ever since they were

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 7, 1902.

In the matter of the application of Elizabeth J. McLain for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation: she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Elizabeth J. McLain.
Q What is your age at this time? A Twenty-six.
Q What is your postoffice? A Claremore.
Q Are you the same Elizabeth J. McLain who made application to this Commission for enrollment as an intermarried citizen on October 27, 1900? A Yes sir.
Q What is your husband's name? A James McLain.
Q Is he living? A Yes sir.
Q When were you and James McLain married? A Married the 11th day of May, 1891.
Q Is he a citizen by blood of the Cherokee Nation? A Yes sir.
Q Were you ever married prior to your marriage to James McLain? A No sir.
Q Was he ever married prior to his marriage to you? A No sir.
Q You are his first wife? A Yes sir.
Q He is your first husband? A Yes sir.
Q Have you and he lived together as husband and wife since you were married in '91 up to the present time? A No sir.
Q Have you separated? A Yes sir.
Q When did you separate? A Pretty near four years ago now.
It will be four years in January.
Q What was the cause of your separation? A He treated me so mean I couldn't live with him.
Q Did you leave home? A I am at home yet taking care of the children.
Q Did he go off and leave you? A Yes sir.
Q He left you at the house? A Yes sir, we separated and he is gone.
Q Where were you living when you separated? A At home in Claremore, at Sequoyah Station.
Q Is that a little town there? A It is just a station six miles from Claremore.
Q Whose house were you living in? A My own home.
Q Now when you separated did he go away and leave you, or did you go away and leave him there? A He went away.
Q What made him go away? A We couldn't live together any longer, and he went away; he said he would go away and he did.
Q You had been married about six years then when you separated? A We were married in '91.
Q You separated about four years ago? A It will be four years next January or February.
Q Didn't he treat you well all the time you lived together? A No sir.
Q How did he treat you? A It would take a half day to tell you. He treated me mean.
Q Did he abuse you all the time? A Yes sir.
Q Did you have plenty to live on? A Yes sir, plenty to live on.
Q Who made that? A The renter made it.
Q On the place there? A Yes sir; I made the living just the same as I made it since he is gone; I raised chickens and raised the garden stuff.
Q Did you have any children while you were living with him as his wife? A Yes sir, I had two.
Q Are they living yet? A Yes sir.
Q Who has those children? A I have them here with me in town.
Q Have those two children been with you all the time since you separated? A Yes sir.

A- Elizabeth E. J. Modlake.

- Q Has he ever had the children? A No sir.
- Q Does he ever come to see them? A No sir.
- Q Has he ever been back to try and get you to live with him? A No sir.
- Q He has never made no provision for the children, he just left them for you to take care of them? A No, I haven't seen him. He hasn't made anything to me. He hasn't given me anything.
- Q Has he given the children anything? A No sir.
- Q Do you have had to support the children and yourself ever since you separated from James Modlake? A Yes sir.
- Q Without any help from him? A Yes sir, living alone.
- Q Have you ever been divorced from him? A Yes sir, I have been divorced from him.
- Q When were you divorced? A In May it will be three years.
- Q What Court did you get it in, United States Court? A Yes sir.
- Q At Claremore? A Claremore and Wagoner both.
- Q It was carried all around; it was in Wagoner?
- Q Have you ever married any other man since you married James Modlake? A No sir.
- Q You haven't married since you were divorced from him? A No sir.
- Q Were you still a single woman on the first day of September, 1902? A Yes sir.
- Q Have you lived in the Cherokee Nation all the time since you were married to James Modlake in '93 up to the present time? A Yes sir.
- Q You haven't lived outside of the Cherokee Nation since that time? A No sir.
- Q And these two children have lived with you ever since they were born, have they? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. J. Modlake

Subscribed and sworn to before me this 31st day of October, 1902.

W. J. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--000--

In the matter of the application of Elizabeth J. McClain for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 27, 1900, Elizabeth J. McClain appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, and October 7, 1902.

The evidence shows that the said Elizabeth J. McClain was lawfully married on May 11, 1891, to James McClain, a native Cherokee, who is identified on the 1890 authenticated Cherokee roll. The applicant is identified on the 1896 Cherokee census roll as an adopted white. The evidence further shows that she lived with her said husband for seven or eight years following their marriage, and that they then separated and she was granted a divorce by a decree of the United States Court for the Northern District of Indian Territory, rendered on May 20, 1899. It does not appear that the applicant ever abandoned her husband, nor has she re-married from the date of their divorce up to and including September 1, 1902.

The evidence further shows that the applicant has resided in the Cherokee Nation all her life.

It is, therefore, the opinion of this Commission that Elizabeth J. McClain should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Birney

Acting Chairman.

E. B. Needles

Commissioner.

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 2 1903

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-723

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

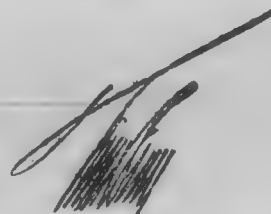
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Elizabeth J. McClain for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-4168

IN THE MATTER OF THE APPLICATION OF

Elizabeth M^cClain

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

723

MAR 1 1932 She got divorce
Examine it

John M^cClain, counsel H.

Elizabeth J McClary

A Original testimony of '727

B Memo. of Application of '727

C Supplementary testimony of '727

D Certificate of Marriage

E Decree of Divorce

F Receipt for testimony

G Notice of final consideration 3/7/02

H Order closing testimony 3/7/02

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 27th 1900.

In the matter of the application of Austin Anderson for the enrollment of himself as a Cherokee citizen. He being sworn testified before the Commission as follows:

- Q What is your name? A. Austin Anderson.
Q What is your age? A. 21.
Q What is your post office address? A. Pryor Creek.
Q Do you make application for enrollment as a Cherokee by blood? A. Yes sir.
Q Who do you want to have enrolled? A. Just myself.
Q What district do you live in? A. Cooweescoowee.
Q How long have you lived there? A. 17 years.
Q How long have you lived in the Cherokee Nation? A. 15, 16 or 17 years.
Q Where did you live prior to that time? A. 6 or 7 miles from Pryor Creek.
Q Then you have lived in the Cherokee Nation ~~since you were born~~
~~and~~ most all your life? A. Yes sir.
Q Have you been out side of the Cherokee Nation within the last three years? A. No sir have not been out since I came here.
Q When did you come to the Cherokee Nation? A. In 1884.
Q Where were you living when you came to the Cherokee Nation? A. In Texas.
Q Have you resided continuously in the Cherokee Nation ever since you came here in 1884? A. Yes sir.
Q What was the name of your father? A. Rufus Anderson.
Q Is your father living? A. Yes sir.
Q Is he a Cherokee by blood? A. No sir, he is a white man.
Q What is your mothers name? A. Melvina.
Q Is she living or dead? A. Dead.
Q Was she a Cherokee by blood? A. Yes sir.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A. Yes sir.
Q Have you or your parents ever been admitted to citizenship by the Cherokee Nation since you came from Texas in 1884? A. Yes sir. There are some papers here some where that my brother had.
Q Did your mother have any middle name? A. Begged if I know whether she did not.

Attention is called to a certified copy of an act admitting sundry persons to citizenship in the Cherokee Nation by the Chambers Court on the 20th of March 1879, among which appears the name of M. M. Wayburn.

- Q Is the M. M. Wayburn mentioned in this act your mother? A. Yes sir.
Q Was her maiden name Wayburn? A. Yes sir.
Q Was she a sister to W. L. Wayburn? A. Yes sir.

This document is filed with beautiful card #698 in the case of Robert L. Wayburn et al.

- Q Do you know whether there was ~~any~~ any condition attached to your admission by the Chambers Court; were you admitted under certain conditions; for instance, were you required to come here within a certain length of time after you were admitted by that court? A. I don't know whether I was or not.

- Q Were you born in Texas? A. Yes sir.
Q You were about 7 years of age when you came to the Cherokee Nation? A. Yes sir.
Q Do the names of your parents appear on the roll of 1880? A. I don't know

The 1880 authenticated roll examined and the name of his father or mother not found thereon.

1886 roll, page 103 No. 148, Austin Anderson, Cooweescoowee, No. 6. 17 yrs. old

The applicant applied for the enrollment of himself as a Cherokee by blood. His mother is shown to be on a list of persons admitted by the

Native American 2.

Stanley Court in 1904 as set forth in the testimony. He states that he has resided in the Cherokee Nation continuously since 1894, having come here in that year. He is identified in the roll of 1904 as a Native Cherokee. For the further consideration of which he has submitted his application for enrollment will be placed on a doubtful card, he being classified as a Cherokee by blood. The final decision of the Commission will be mailed to him at his present last office address.

Stanley Court being sworn states that he photographed the Commission to the Five Civilized Tribes as reported in all the proceedings had in the above cases and that the foregoing is a full, true and correct transcript of his statements made at said proceedings.

Subscribed and sworn to before me this 27th of October, 1904.

Notary Public

2724

OF THE ...
DE FIVE ...

17 FEB 1964

May 20 1903

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Austin Anderson for enrollment as a Cherokee citizen.

Appearances:

Joe M. Lahay, Claremore, I. T., attorney for applicant;
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER. The applicant was notified by registered letter
February 17, 1902, that his application for the enrollment of
himself as a citizen of the Cherokee Nation would be taken up
for final consideration by the Commission at its offices in
Muskogee, Indian Territory, on the 7th day of March, 1902;
receipt has been acknowledged of the Commission's letter and
the applicant this day, to-wit: March 7th, 1902, appears with
by attorney, Joe M. Lahay.

The attorney for the applicant and the representative
of the Cherokee Nation present submit the case and same is
ordered closed and reported to the Commission for final de-
cision based upon the evidence now of record.

The attorney for the applicant requests and will be
granted 15 days in which to file brief in this case, one copy
with the Commission and one copy with the representative of
the Cherokee Nation.

I, M. D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I have correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of my stenographic notes thereof.

M. D. Green

Austin Anderson

A Original testimony of '10/2/02
B Memo of Application of '10/3/02
C Notice of final consideration, 3/7/02
D Order closing testimony 3/7/02

Copies

Sept. 25, 1902 Cancelled and
transferred to Cherokee No 9637

Enrolled

Cher D725

DEPARTMENT OF THE
COMMISSION TO THE FIVE C
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OCT 29 1900

ING CHAIRMAN

• R •
Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, K. T. October, 27th 1900

In the matter of the application of Maudie Hilton for the enrollment of herself and husband as Cherokee citizens. The being sworn before the Commission testified as follows:-

- Q What is your name? A. Maudie Hilton.
Q How old are you? A. 19.
Q What is your post office address? A. Claremore.
Q Do you make application for enrollment as a Cherokee by blood? A. Yes sir.
Q Who do you want put on the roll? A. Myself and husband.
Q What district do you live in? A. Geowocoooo co.
Q How long have you lived there? A. Born and raised here.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Have you been outside of the Cherokee Nation during the past three years? A. No sir.
Q What is the name of your father? A. Columbus Scroggins.
Q Is he living or dead? A. Living.
Q Is he a Cherokee or white man? A. White.
Q What is your mother's name? A. Lucy Jane.
Q Is she living? A. Yes sir.
Q Is she a Cherokee? Yes sir.
Q Do the names of your parents appear on the authenticated roll of 1897? A. Yes sir.
Q Are you married? A. Yes sir.
Q What is the name of your husband? A. John Harvie Hilton.
Q How old is your husband? A. 32.
Q Is he a Cherokee by blood? A. No sir.
Q Is he living at the present time? A. Yes sir.
Q What is his father's name? A. Isaac Hilton.
Q Is he living? A. Yes sir.
Q Is he a Cherokee or white man? A. White man.
Q What is the name of your husband's mother? A. Ellen.
Q Is she a Cherokee? A. No sir.
Q The parents of your husband were never recognized by the Cherokee Nation as citizens ther-of? A. No sir.
Q When were you married to your husband? A. June 20th 1899.
Q Were you married under the Cherokee laws and customs? A. No sir.
Q Under the laws of the United States.
Q Have you lived with your husband continuously since your marriage? A. Yes sir.
Q Were you ever married before? A. No sir.
Q Was he? A. No sir.
Q Have you any evidence of your marriage to your husband? A. Yes sir.
Q Let me have it please.
Applicant presents marriage license authorizing the marriage of John H. Hilton to Miss Maudie Scroggins, issued on the 27th day of June 1899 by James A. Winston, clerk of the United States Court for the Northern District of the Indian Territory, and a certificate showing that said marriage was performed by William H. Dodson a minister of the Gospel on the 28th of June, A. D. 1899. License and certificate are filed herewith.
Q You have no children for whom you desire to make application? A. No sir.
Q What district were your parents living in in 1897? A. Geowocooooes
Q Did you or your parents ever make application to the Cherokee tribal authorities for admission to Cherokee citizenship? A. Yes sir.
Q What was the decision of the tribal authorities, did they admit you? A. Yes sir.
Q When was that? A. In 1876.
Where were your parents living then? A. In the Cherokee Nation.

Q. Have they resided here continuously since that time? A. Yes sir.
Q. Never moved out anywhere else? A. No sir.

Attention is called to the document filed with doubtful card 698 admitting sundry persons person to citizenship in the Cherokee Nation on the 26th day of March 1879. These persons were admitted by what is known as the Chambers court. Among the persons admitted appears the name of Lucy J. Wayburn.

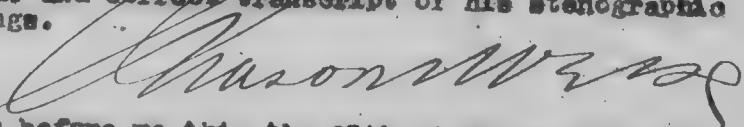
Q. Is the Lucy J. Wayburn mentioned in this document just cited to you your mother? A. Yes sir.

Q. Was her maiden name Wayburn? A. Yes sir.

1896, roll page 262, No 4510, Maud Scroggins, Cooweescoowee.

The applicant applies for the enrollment of herself and husband. Her mother is shown to be one of a number of persons admitted to citizenship in the Cherokee Nation by what is known as the Chambers Court. Q. The applicant has lived in the Cherokee Nation for 18 years. She is identical on the census roll of 1896 as a native Cherokee, but for the further consideration of the conditions under which her mother was admitted to citizenship she will be placed on what is known as a doubtful card, being classed as a Cherokee by blood. When the final decision is rendered by the Commission she will be notified in writing at her present post office address. As to the application which she makes on behalf of her ~~husband~~ husband, she avers that he is a white man, and she states that he was married to him according to the laws of the United States on the 29th of June 1898, to late to acquire property rights in the Cherokee Nation according to the Cherokee law of 1895 regarding the marriage of citizens to white persons. His application therefore for enrollment as a citizen by intermarriage of the Cherokee Nation will be rejected.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the above and foregoing is a full true and correct transcript of his stenographic notes in said proceedings.


Subscribed and sworn to before me this the 28th of October, 1900.


Notary Public.

brief description of an ethnographic notes sheet. The end comes and the the research is a recorded and classified. I collected and recorded the ethnographic notes that are not recorded to the Committee.

ACTING CHAIR

DEPT OF THE INTERIOR
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1. The Department of the Interior has been advised that the Bureau of Land Management is currently reviewing the application for the proposed development of the land in the vicinity of the proposed development.

case of perjury, and the redempt will be completed with-
in 600 days after the date of the record in the
court of appeals in the case of non-perjury. (Department
of Agriculture, Bureau of Land Management, Washington, D.C.)

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C. D-725

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Maudie Hilton for enrollment as a Cherokee citizen.

Appearances:

Joe M. Lahay, Claremore, I. T., Attorney for applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by her attorney, Joe M. Lahay.

The attorney for the applicant requests a copy of the certificate of admission in the case of Robert L. Waybourne, D 698, be filed with and made a part of the record in the case at bar, and the request will be complied with.

The attorney for the applicant and the representative of the Cherokee Nation submit the case and same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(888)

In the matter of the application for the enrollment of
Maudie Hilton as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 27, 1900, Maudie Hilton appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902. The other party to the application is differently classified, and is not embraced in this decision.

The evidence shows that the said Maudie Hilton is the child of Lucy J. Scoggins, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, on March 26, 1879, as shown by the records of the Cherokee Nation in possession of this Commission, under the name of Lucy J. Wayburn. The said Maudie Hilton was born subsequent to the admission of her mother to citizenship.

The said Maudie Hilton is identified on the 1898 census Roll of the Cherokee Nation under the name of Maudie Scoggins.

The evidence further shows that the said Maudie Hilton has lived in the Cherokee Nation all her life, and was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Maudie Hilton should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this 402

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 725.

ADDRES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

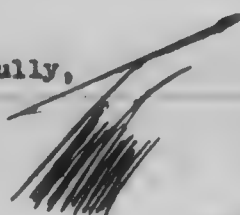
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Maudie Hilton for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 38.

Naudie Hiltort.

A Original testimony of 1/27/00

B Memo. of Application of 1/27/00

C Notice of final consideration, 3/7/00

D Receipt for testimony

See Cherokee Jacket R 357

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 27th, 1900.

In the matter of the application of Charles Sanders for the enrollment of himself and wife as citizens of the Cherokee Nation; said Sanders being first duly sworn, testified as follows:
EXAMINATION BY THE COMMISSION:

- Q What is your name? A Charles Sanders.
Q What is your age? A 27.
Q What is your post office address? A Colagah.
Q Do you make application for enrollment as a Cherokee citizen by blood? A Yes, sir.
Q Who do you want to have placed on the roll? A Me and my wife.
Q What district do you live in? A Coowescoowee.
Q How long have you lived there? A 27 years.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Have you been out of the Cherokee Nation for any purpose in the last three years? A No, sir.
Q What is the name of your father? A George Sanders.
Q Is he living? A No, sir.
Q Was he Cherokee by blood? A Yes, sir.
Q What is the name of your mother? A Lissie Thornton.
Q Was that her maiden name? A Yes, sir.
Q Is she living? A No, sir.
Q What degree of Cherokee blood do you claim? A Half.
Q Does your name appear upon the authenticated roll of 1880?
A Yes, sir, I guess it is.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Annie.
Q Is she living? A Yes, sir.
Q How old is she? A 26.
Q Is she Cherokee by blood? A No, sir, adopted.
Q How long has she lived in the Cherokee Nation? A 14 years.
Q What was the name of her father? A George Talbert.
Q Is he living? A Yes, sir.
Q What was the name of her mother? A I could not say what her mother's name was.
Q Is she living? A No, sir, she is dead.
Q Your wife's parents are both ~~black~~ white? A Yes, sir.
Q Never claimed to be citizens of the Cherokee Nation? A No, sir.
Q When were you married? A Married in 1896.
Q What day? A Third day of March.
Q Have you lived with your wife continuously since your marriage?
A Yes, sir.
Q Were you ever married before? A No, sir.
Q Was she? A No, sir.
Q Have you any evidence as to your marriage? A No, sir. I have not got any here; LaHay recorded them I expect.
Q Where were you living at the time you were married? A Here in Town.
Q Were you married according to the laws and customs of the Cherokee Nation? A Yes, sir.
Q Who married you? A Joe LaHay.
Q Did you have a license? A No, sir.
Q You do not make application for any children? A No, sir.
1880 Roll; page 179, #2754, Charles Sanders, Coowescoowee.
1896 Roll; page 254, #4362, Charley Sanders, Coowescoowee.
1896 Roll; page 323, #735, Annie Sanders, Coowescoowee.

THE COMMISSION: The applicant applies for the enrollment of himself and wife: He is identified on the authenticated roll of 1880 as a native Cherokee, and upon the 1896 census roll as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment by this Commission as a Cherokee by blood.

Charles Sanders--J.

He avers that he was married on the 3d day of March, 1898 to his present wife, a white woman. He produces no satisfactory proof as to his marriage and until said proof is produced his wife will be placed upon a DOWRYFUL CARD. She will be enrolled by the Commission as a Cherokee by intermarriage proof of her residence for the past 14 years in the Cherokee Nation having been given.

J. D. Rosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Rosen

Subscribed and sworn to before me this 29th day of October, 1900.

W. H. H. H.

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Annie Sanders et al. for enrollment as citizens of the Cherokee Nation.

—D—

On the 27th day of October, 1900, Charles Sanders appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Annie, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time the said Charles Sanders was listed for enrollment on a regular card, and the name of his wife, Annie, was placed upon a doubtful card, awaiting proof of marriage.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

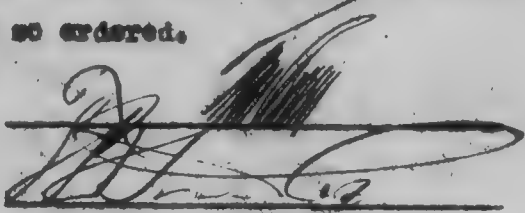
From the evidence of record in this case it appears that Charles Sanders has resided in the Cherokee Nation all his life; that his name appears upon the 1880 authenticated tribal roll of the Cherokee Nation and upon the 1896 census roll. His wife, Annie, is duly identified on the 1896 census roll.

It further appears that the said Charles Sanders was duly married to his wife, Annie, on the 2nd day of March, 1895, and that she has resided in the Cherokee Nation continuously since her said marriage. Subsequent to the application made herein, it appears that there has been born to Charles and Annie Sanders a child, named Carl E. Sanders.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1896 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Annie Sanders is entitled to be enrolled as a citizen by intermarriage, and the child Carl S., as a citizen by blood of the Cherokee Nation, and it is so ordered.


C. R. Beckwith
Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONER
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D. 726.

ALLISON L. AGNEWORTH
CLERK

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

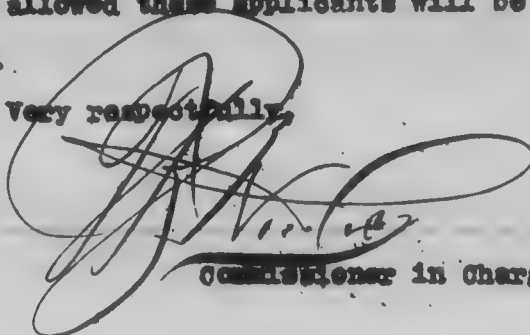
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Annis Sanders for the enrollment of herself and others as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Encl. D-726.

Ann Sanders.

A Original testimony of 1924

D Memo. of application of 1927

E Copy of marriage cert. from
clerk

H Birth certificate - Carl L. Sanders

I Supplemental statement, 7/28/28

Copied

Sept 25, 1928 Copied and
transferred 38

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See Cherokee gazette 5011

Cher D727

Cher D727

Department of the Interior
Commission to the Five Civilized Tribes,
Claremore, I. T., October 27, 1900.

In the matter of the application of Bell I. Quinton for the enrollment of a half-brother, Andrew Franklin Crittenden, Cherokee citizen; being sworn and examined by Commissioner Brackin, who testified as follows:

- Q What is your full name? A Bell I. Crittenden.
Q How old are you? A 34.
Q What is your post-office? A Inola.
Q Who do you now wish to have enrolled? A My little brother.
Q How old is he? A 12 years old.
Q Is he a Cherokee? A Yes sir, Cherokee.
Q Is he an orphan? A Yes sir.
Q Give me the name of his father? A Andrew Crittenden.
Q Is he dead? A I don't know whether he is or not.
I haven't heard from him in a long time; he and my mother was separated before mother died.
Q What is this child? A He is my half-brother.
Q Give me the name of the child's mother? A Sarah J. Crittenden.
Q You don't know whether Andrew Crittenden is dead or not?
A No sir.

Com'r of the applicant presents a marriage certificate showing that Andrew Crittenden of Muskogee and Sarah Ferguson of Muskogee were united in marriage on the 24th of June 1886; this is filed herewith.

- Q Was Sarah a Cherokee by blood? A No sir.
Q She was a white woman? A Yes sir.
Q Was Andrew ever married except to this woman? A No sir.
Q Was she ever married except to him? A Not after him and her was married.
Q Was she ever married before she married him? A Yes sir.
Q Was her former husband dead when she married him? A Yes sir.
Q When did Andrew Crittenden die? A I don't know whether he is dead or not.
Q When did his wife die? A She died in the winter before the Strip payment.
Q Did in 1893 or something like that? A Yes sir.
Q How old is Andrew Crittenden at this time, is he is alive?
A About 34, 5 or 6.
When his mother was married he was about 30 I think.
1890 roll page 15 & 44 Andrew Crittenden Orphan-rell Goingmate
District native Cherokee; 12 years old;
Q Give me the name of the child for whom you apply? A Andrew Franklin Crittenden.
Q 12 years old? A Yes sir.
1896 roll examined for child and name not found;
1894 roll page 15 & 44 Andrew F. Crittenden Goingmate
Q When did this child's mother and father separate? A I hardly know how long they did live together, about 2 years or a year and a half, anyhow.
Q They lived together about a year and a half or two years and then separated? A Yes sir.
Q How long after they separated was it before this child was born?
A It wasn't more than about 4 months.
Q Why is this child not on the roll of 1897? A Mother went to the Osage Nation, I reckon that's the reason, and she didn't go to the enrollment; she told his father to put it down; sent by her to enroll like the child's name, she said she would.
Q Is she living in the Osage Nation now? A No sir, she is dead. I have got the will.
Q You think they just neglected to put the child down in 1897?
A Yes sir.

child 8 Hall I. Quinton for orphan

Gov't Archibridge: The applicant applies for the enrollment of a child, a minor, her half-brother; the father of the child is identified on the roll of 1890 as a native Cherokee, and since the marriage between the child's father and mother is established in 1896 by the certificate filed herewith; it shows that the child was born some months after the father and mother separated; he is not identified on the roll of 1896, but he is identified on the roll of 1894; the applicant explains that the child's mother, now dead, had gone to the Orange country when the roll of 1896 was made, and ~~she was not identified on the roll of 1896~~ she thinks the failure to enroll the child at that time arose from that neglect. For further consideration of the evidence and the case, this application will now be placed upon a doubtful card, and the final conclusion of the Commission will be made known to the applicant at her personal address.

X. N. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29th day of October 1900.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Frederick E. Rogers for enrollment as a Cherokee citizen.

Appearances:

A. M. Callaway, Claremore, I. T., attorney for the appli-
cant;
W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were notified
by registered letter February 17, 1902, that the application of
Frederick E. Rogers for the enrollment of himself as a citi-
zen of the Cherokee Nation would be taken up for final consid-
eration by the Commission at its offices in Muskogee, Indian
Territory, on the 7th day of March, 1902. Receipt has been
acknowledged of the Commission's letter, both by the applicant
and his attorney, and the applicant this day, to-wit: 7th day
of March, 1902, appears by his attorney. h

MR. CALLAWAY: We just ask the right to file brief in this
case. We want 15 days, and submit the case. ✓

BY COMMISSION: The attorney for the applicant and the rep-
resentative of the Cherokee Nation present submit the case
and same is ordered closed and reported to the Commission for
final decision based upon the evidence now of record. SD

The attorney for the applicant requests and will be
granted 15 days in which to file brief, one copy with the
Commission and one copy with the representative of the
Cherokee Nation.

I, M. D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the testi-
mony and proceedings in this case and that the foregoing is a true
and complete transcript of my stenographic notes thereof.

M. D. Green

Supl.-C.D.#727.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8th, 1902.

SUPPLEMENTAL in the matter of the enrollment of ANDREW F. CRITTENDEN as a citizen of the Cherokee Nation:

The applicant's guardian, Dell I. Quinton, was notified by registered letter February 18, 1902, that the application of Andrew F. Crittenden for the enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and applicant this day appears by his attorney A. H. Herwood, Dewey, I. T.

Mr. J. C. Starr, Cherokee Representative, present.

The Attorney for the applicant requests and will be granted 30 days in which to introduce certain records to the citizenship of the applicant.

The Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record in addition to the documentary evidence to be introduced by the applicant.



Commissioner.

Indian Territory

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of ANDREW F. CRITTENDEN, for
the enrollment of himself as a citizen by blood of the Cherokee
Nation:

Appearances:

Applicant appears by his guardian, Belle I. Quinton;
Cherokee Nation, by W. V. Hastings, Esq.

BELLE I. QUINTON, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Belle Quinton.
Q It is Belle I. Quinton isn't it? A Yes sir.
Q How old are you? A I am 34 going on 35.
Q What is your post office address? A Inola, I. T.
Q Are you the guardian of Andrew F. Crittenden? A Yes sir.
Q What relationship, if any, do you bear toward that child?
A He is my half-brother.
Q Same father or same mother? A Same mother.
Q Where was that child born? A Right here in Muskogee.
Q Has he ever been outside of the Indian Territory? A No sir.
Never but in the Ouga Nation, there and back.
Q How long did he live in the Ouga Nation, and when?
A Mother had him up there on a visit about two or three weeks I
reckon.
Q His father is a Cherokee and your father a white man?
A Yes sir.
Q Your mother is a white woman? A Yes sir.
Q Is that the only time this child has been absent from the
Indian Territory? A Yes sir.

E. C. Bagwell, on oath states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this June 30, 1902.

W. V. Hastings
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
ANDREW F. CRITTENDEN as a citizen by blood of the Cherokee Nation.

DECISION.

The record herein shows that on October 27, 1900, Bell I. Crittenden appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of Andrew F. Crittenden as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on June 28, 1902.

The evidence shows that Andrew F. Crittenden is the orphan child of Andrew Crittenden, a Cherokee Indian, and his wife, Sarah, a white woman.

Andrew Crittenden is identified on the Cherokee authenticated tribal roll of 1880, and the applicant was born to him after the preparation of that roll.

It further appears that Andrew F. Crittenden is identified on the Cherokee strip payment roll of 1894 and that he has resided in the Cherokee Nation all his life.

It is, therefore, the opinion of the Commission that Andrew F. Crittenden should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). *Tame Bixby.*

Chairman,

(SIGNED). *T. B. Needles.*

Commissioner,

(SIGNED). *C. R. Breckinridge.*

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 5 1904.

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 728.

Muskogee, I. T., March 10, 1902.

Post Master,

Wilcoat, I. T.

Dear Sir:

Enclosed herewith please find a subpoena for Jack Quinton to be here at Muskogee on March 19th, 1902. Kindly have some one serve the subpoena on Quinton by delivering him a copy of the same, and return one copy to us with the information as to how he served it, and advise us if Quinton will be here at that time. Have the party serving the subpoena send us his bill, and we will remit the amount. Quinton is a very material witness and we want to know if he will be present.

Yours very truly,

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. ~~C. D.~~ 728 Muskogee, I. T., March 10, 1902.

Mr. Jack Quinton,

Wildeat, I. T.

Dear Sir:

Enclosed herewith find a subpoena for your attendance before the Daves Commission at Muskogee on the 19th day of March, 1902. Please accept service of the subpoena by signing your name in the blank stamped in red ink on the back, and return it to us by first mail, and also advise us if you will be here promptly on that day. We sent you a subpoena once before, but did not hear anything from you.

Yours truly,

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,
WM. O. REALL,
Secretary.

Cherokee D-727.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 5, 1904, granting the application for the enrollment of Andrew F. Crittenden as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-37.



Chairman.

Andrew F. Critchard

~~A. Original testimony of 1/3/02~~

~~B. Memo of Application of 1/3/02~~

~~C. Marriage certificate~~

~~D. Notice of final consideration, 3/8/02~~

~~E. Order closing testimony, 3/8/02~~

~~Copy~~

~~to~~

Cancelled Jan. 3, 1905

Transferred to Cherokee Card

No. 10837

Admission To

Cher D 728

Department of the Interior,
Commission to the Five Civilized Tribes,
Clarendon, I.T., October 27, 1904.

In the matter of the Application of Bell Ida Quinton for the enrollment of herself and two children as Cherokee Indians, being sworn and examined by Commissioner Breakbridge she testified as follows:

- Q Give me your full name. A Bell Ida Quinton.
Q How old are you? A 34.
Q What is your post-office? A Inola.
Q Do you live in Coconino District? A Yes sir.
Q Do you want to enroll yourself and family? A Yes sir.
Q Have you a husband? A No sir.
Q How many children have you? A 2.
Q Are you a Cherokee by blood? A No sir.
Q Have you a certificate of marriage to your husband? A Yes sir. (Produces papers)
Q The applicant presents as a fiducial copy of the marriage license issued by the Probate Judge of Cowley County Kansas May 5 1888 authorizing marriage between George W. Quinton and Ida B. Tyler he aged at that time 22 years and she 16 years. The certificate shows that they were united in marriage by the Rev. W.S. Buckner Minister of the Gospel, on the 7th day of the same month, but the year is not filled out. This is filed with the application.
Q Were you ever married except to your husband George W. Quinton? A No sir.
Q How were not previously married? A Yes sir, he was all the one I was ever married to.
Q You were not, then, married to anyone before you married him? A No sir.
Q Is he dead? A I couldn't tell you, I haven't seen him since the Cherokee payment.
Q How long since you and he ceased living together as husband and wife? A 16 years.
Q Have you married any one since you separated from him? A No sir.
Q Have you ever had a divorce from him? A No sir.
Q Did he leave you or did you leave him? A Yes sir, he left me.
Q Where were you living at that time? A Down at Muskogee.
Q And he went away and left you at the home which you occupied? A No sir he left me with a family named Critchman.
Q He left you there where you and he had been stopping? A Yes sir.
Q Have you known much about him since? A No sir.
Q You know where he is now? A No sir.
Q He is a native Cherokee? A Yes sir.
Q Has he lived in the Cherokee Nation all his life? A Yes sir.
Q Was he ever married before he married you? A I don't know, whether he was or not.
Q Give me the names of your children. A John Henry.
Q How old is that child? A 16 years old.
Q When was he born? A In 1888.
Q In what time of the year? A 6th day of October or November, I forget.
Q Give me the name of the next child? A Willie.
Q How old is he? A 12 years old.
Q They are both living now are they? A Yes sir.
Q How old is your husband now? A He was 22 I think when we was married.
Q What was the name of your husband's father? A John Quinton.
Q Give me the name of his mother. A Nellie Quinton.
Q Are they dead? A Yes sir.
Q My husband may be on the roll as Jack Quinton.
Q Was his mother a sister-in-law? A I don't know.

POOR ORIGINAL -
BEST AVAILABLE COPY

1880 roll for husband page 570 #14894 Jack Quinton Illinois Dist
native Cherokee, 18 years old.

1896 roll for husband, and names not found;

Q Where was George W. Quinton in 1886? A I don't know where he
was.

1890 roll examined for children and names not found;

1894 roll for children and names not found;

1898 roll examined for applicant and names not found;

Q Did you draw Cherokee Strip money for these children?

A Yes sir.

Q When did you come to the Cherokee Nation with your husband?
I have been here ever since we were married, we just got married
and come right back to the Cherokee Nation.

Q And you have been here ever since, A Yes sir, I have got
one place three miles from Inola and one six miles from Inola, -
one east and the other one west.

Com'r Breckinridge: The applicant applies for the enrollment
of herself, and 2 children; she is identified as shown to have
been married to a Cherokee husband in 1884; she states that she
has lived in the Cherokee Nation ever since her marriage; that she
was never married before, and she does not know that her husband
was ever married before; that she and her husband have not lived
together for 10 years, but that divorce has ever been had between
them, and she has never re-married; her husband is identified on
the roll of 1880, but not upon the roll of 1896; though he is said
to be still living; the applicant will at present be listed upon a
doubtful card as a Cherokee by adoption.

Neither of her children are identified on the roll of 1896 or
1894; she states that she procured Cherokee Strip money for her
children; for their further identification and consideration of the
case they will be placed upon a doubtful card, as Cherokees by blood.

W.D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case, and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29 day of October 1900.

Commissioner

POOR ORIGINAL -
BEST AVAILABLE COPY

REJECTED as to wife, Medie.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T. March 25th, 1901.

In the matter of the application of Jack Quinton for the enrollment of himself and two children as Cherokee citizens by blood, and for the enrollment of his wife as a Cherokee citizen by inter-marriage; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Jack Quinton.
- Q No middle name? A No sir.
- Q Not Jackson? A No sir.
- Q How old are you? A 39.
- Q What is your post office address? A Wildcat.
- Q What district do you live in? A I dont know what district that is, -Wildcat, out in the Creek Nation.
- Q You want to enroll as a Creek or Cherokee? A I want to enroll as a Creek if I can get my transfer.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q And a citizen of the Creek Nation too? A No sir.
- Q Do you want to have Cherokee citizenship, or Creek citizenship?
- A I want to take my land in the Creek Nation.
- Q What right have you to get enrolled in the Creek Nation.
- A I have heard they were getting transfers.
- Q We have no right to transfer you unless you are a citizen in both Nations, and then you could elect. We can enroll you as a Cherokee?
- A All right.
- Q You live in the Creek Nation? A Yes sir.
- Q You are a recognized citizen of the Cherokee Nation are you?
- A Yes sir.
- Q Who do you want to enroll? A I want to enroll myself and my wife I forgot my certificate though.
- Q Yourself, wife and how many children? A Two.
- Q What is the name of your wife? A Medie.
- Q Is she a Cherokee by blood? A No sir, she is a white woman.
- Q What was her name when you married her? A She was a widow when I married her, her name was Young.
- Q What is her age? A 24.
- Q Have you any certificate of marriage? A Yes sir, but I didn't bring it; we were married here at the Court house.
- Q When were you married? A We were married last summer.
- Q In the year 1900? A Yes sir.
- Q According to the laws of the United States? A Yes sir.
- Q What are the names of your children? A She has got one child, could I enroll it; it is by her other man; he was a white man.
- Com'r: Oh, no, she is a white woman and it is a child by a white man, and you couldnt enroll that.
- A Well, Neal Quinton.
- Q How old is he? A 17.
- Q That all the name he has got? A Yes sir.
- A Jesse Quinton.
- Q How old is Jesse? A Nine years old.
- Q Next child? A That's all.
- Q Who was the mother of Neal Quinton? A She was Josh Sanders' daughter.
- Q She was a Cherokee by blood? A Yes sir.
- Q You were married to her? A I was married to her by the Cherokee law.
- Q What was her father's name? A Josh Sanders.
- Q Is he living? A No sir, he is dead.
- Q What is her mother's name? A Mary Sanders.
- Q She living? A No sir, she was dead when I married her.
- Q What was your first wife's name? A Mary, same as her mother's.

Q About how old was she? A She was eighteen when we were married.
 Q When did she die? A She died in 1888, I think it was, -no, it was later than that.
 Q About how old was she when she died? A She must have been about 22 the best I can remember.

Q She was your first wife? A Yes sir.
 Q Was she alive when you married your second wife, or was she dead?
 A No sir, she was dead.
 Q Have you any children by your second wife? A One.
 Q What is its name? A This is my third wife.
 Q Have you got any children besides these? A Jesse there, his mother was named Lou Patton.
 Q Was she a citizen by blood? A No sir, she was a white woman.
 Q You were married to her? A Yes sir.
 Q Any certificate of marriage to her? A No sir, we were married by the Cherokee laws.
 Q Were you born in the Cherokee Nation? A Yes sir, raised up in the Cherokee Nation.
 Q How long have you been living in the Creek Nation? A Little over a year last January.
 Q Do you own any property in the Cherokee Nation? A No sir.
 Q Own any property in the Creek Nation? A None to amount teany-thing, I just worked over there last year.
 Q Have you ever voted in the Creek Nation? A No sir.
 Q Just been living in the Creek Nation about a year? A Yes sir, have been working there about a year.
 Q What district would your wife be in 1880? A Canadian District.
 Q her mother was'n't living at that time, in 1880; her father was living

1880 authenticated Cherokee roll examined for applicant's wife, Mary Sanders, page 49 #1360, M. J. Sanders, Canadian District.

Q How old would Mary J. be if she was alive do you suppose?
 A She would be somewhere in thirty.
 Q Do you know Lillie Sanders? A Yes sir, that was Johnnie Sanders' girl.
 Q Was she named Mary Jane? A Yes sir, Mary J.
 Q Was your wife? A Yes sir.
 Q Lillie Sanders was a good deal younger than her, was'n't she?
 A Yes sir, she was real small when my wife was grown.

1880 authenticated Cherokee roll examined for Jack Quinton, page 570 #1459, Jack Quinton Illinois District.

1896 Cherokee census roll examined for Jack Quinton, and name not found thereon.

Q Were you enrolled in 1896? A I think not, I was out west at that time, and didn't come; -herding cattle.
 Q Your wife Mary, was she alive then? A No sir.
 Q Was your wife Lou alive in 1896? A No sir, she was dead.
 Q Arce Neal and Jesse living at this time? A Yes sir.
 Q Have you got anybody you can prove your marriage to Lou Patton?
 A I have, but not here.
 Q You were married before 1880 to Mary, over 20 years ago?
 A No sir, I was 21 when I married Mary, just 21 years old when I married Mary.
 Q Who is Mary Quinton on the roll of 1880 herewith you? A That must be her.
 Q Is she living now or dead? A Mary Quinton, she is dead. I have got a sister named Mary.
 Q Is she living? A No sir, she is dead.
 Q You have always lived in the Cherokee Nation then until about a year ago? A Yes sir.
 Q We could'nt enroll your present wife because she is a white woman and you married after 1898; that puts her out; you see under the law of the Cherokee Nation all white persons married after 1898 don't have

Jack Quinton et al - 3 -

any rights.

A All right.

Q Did you ever draw strip money for Neal and Jesse? A I didn't draw for Neal myself at the strip payment, I drew for Jess.

1894 Cherokee Strip payment roll examined for Neal and Jesse Quinton page 277, #3449, Jess Quinton, Coowescoowee District.

A Josh Sanders drew for Neal, his grandfather.

Q This boys name Neal or Cornelius? A I always called him Neal.

Q Does he sign his name Cornelius or Neal? A I always signed it Neal; if he has got it on the roll there Cornelius I guess that's the name.

1894 Cherokee Strip Payment roll, page 828 #1742, Cornelius Quinton, Illinois District.

Com'r: The applicant applies for the enrollment of himself, his wife and two children; his name is found upon the authenticated roll of 1880, but is not found upon the census roll of 1896; he giving satisfactory reason therefor in the testimony. He avers that he was married to Medie Young, a white woman, in the year 1900; he avers that he has been married three times; that his first wife was named Mary J. Sanders, who was a Cherokee by blood, now deceased; the name of Mary J. Sanders is found upon the authenticated tribal roll of 1880; he avers that by his marriage with the said Mary J. Sanders he had one son Cornelius, seventeen years of age, whose name is found upon the payment roll of 1894, but not on the census roll of 1896; he avers that after the death of Mary J. Sanders he married Lou Patton a white woman, by whom he has one child named Jesse, whose name appears upon the payment roll of 1894, but not upon the census roll of 1896; he presents no proof of his marriage to said Lou Patton, a white woman; they are all duly identified according to page and number of the rolls as indicated, and made satisfactory proof of residence, consequently, Jack Quinton and his sons, Cornelius and Jesse, will be duly listed for enrollment as Cherokee citizens by blood; in order to complete the enrollment of his son Jesse it will be necessary to file with this Commission satisfactory proof of his marriage to Lou Patton, his second wife.

The fact that he was married to his present wife in the year 1900, too late under the laws of the Cherokee Nation for inter-married whites to receive any benefit of citizenship, his application for the enrollment of his wife will be rejected.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this 25th of March, 1901.

Signed, C. R. Breckinridge, Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the original transcript.

Ella Melenz

Chief, on some matter out in the
If you have any other information
I will be glad to hear it.

Chief, I have some information
I will be glad to hear it.

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I will be glad to hear it.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
MAY 27 1900

Received on 12th May 1900

Chief, I have some information
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I will be glad to hear it.

Chief, I have some information
I will be glad to hear it.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of BELLE I. QUINTON, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt was acknowledged of commission's letter and on said date, to-wit: the 8th day of March, the applicant appear by her attorney, A. H. Norwood, Deway, Indian Territory, and by agreement with the representative of the Cherokee Nation present, the case was continued until the 19th day of March, 1902. The same being this day, to-wit: the 19th day of March, 1902, called the applicants fail to appear either in person or by attorney.

The Cherokee nation by its representative makes satisfactory proof of service on the said Belle I. Quinton that it would introduce testimony tending to disprove her right to be enrolled as a citizen of the Cherokee Nation.

LUCINDA LANGLEY, being duly sworn, testified as follows on part of the Cherokee Nation:

BY MR. W. W. HASTINGS, Cherokee Representative:

- Q What is your name? A Lucinda Langley.
Q What is your post office? A Claremore when I am at home.
Q What is your age? A 66 last February.
Q Do you know Belle I. Quinton? A Well, I don't know her personally, only just hearsay.
Q You know of her? A Yes, sir.
Q Well, did you know her husband, I suppose his name was Jack Quinton? A Yes, sir; G. W. Quinton.
Q George W. Quinton? how long did you know him?
A Ever since '66.
Q He was an old like man then is he? A Yes, sir.
Q Well, you know who he married first? A Married Mary Sanders, my niece.
Q How long did he live with her? A Well, not very long I don't think, he lived with her a year.
Q You know that he married her? A Yes, sir.
Q Did he separate from her? A Yes, sir.
Q You know whether they were ever divorced? A No, sir, I do not; if they was I never heard of it.
Q Never heard of it? A No, sir.
Q What was his second wife's name? A Well, I don't know her name exactly; her was was Ellen, but her mother's name was Bewit, Mrs. Bewit.
Q Did he live with her until her death? A No, sir.
Q Did he quit her? A Yes, sir.
Q Do you know whether they were ever divorced or not? A No, sir.
Q Who did he marry next? A Patton's daughter, Len Patton.
Q How long did he live with her? A Until she died.
Q That is his third marriage; well, now, about his fourth marriage?
A I don't know, he had a couple more, I don't know whether he is married or not. That is the time of strip payment.

Q Do you know whether this was his last wife or not, this Belle?
A No, sir, she was not his last one.
Q But he had married Mary Sanders before he had this one?
A Yes, sir.
Q And separated from her? A Yes, sir.
Q And if he ever had a divorce you don't know it?
A No, sir.
Q Well, you don't know whether he run off with this woman and left his third wife? A Yes, sir.
Q You know that do you? A Yes, sir.
Q When did Mary Sanders die? A I cannot tell you, she died here up the country somewhere.
Q Well, about what time, during the strip payment? A I think it was before, it was before the payment.
Q It was after he took up with this Belle I. Quinton and married her? A Yes, sir.
Q She was living then when he took up with this woman?
A Yes, sir, she has got a boy now living, he is 19 years old by Quinton.
Q You know of the marriage of George W. Quinton and Clara Bushyhead?
A No, sir.
Q You knew they lived together as husband and wife? A Yes, sir.
Q Did he have some children by her? A Two.
Q Did he quit her? A Yes, sir.
Q Did he marry anybody after he quit her? A No, sir, I don't know.
Q Has he is he living with a white woman now? A I don't know.
Q About how long ago was it he was living with Nellie Bushyhead and quit her? A About '75 or '6.
Q Do you mean twenty odd years ago, or five or six years ago?
A It has been close, yes, five or six years ago.
Q How far did they live from you? A He lived out in on Pryor Creek, or somewhere out in there.

Commission: It is directed that a copy of this testimony be filed with and made a part of the record in the case of Jesse Quinton, Cherokee straight case #7427.

Mr. Hastings: For the purpose of showing that George W. Quinton was not lawfully married to the mother of Jesse Quinton, who was a white woman, for the reason that he had been previously married to two if not more women, viz: Mary Sanders and Belle E. Tynes.

Now the representatives of the Cherokee Nation ask that a copy of the testimony in straight Cherokee case #7427 be filed and made part of the record in this case in order to show the admission of previous marriages of George W. Quinton himself.

Commission: The request of the Cherokee Nation will be complied with. The applicant having this day, to-wit: the 19th day of March, 1902, failed to appear either in person or by attorney, the record in this case is now deemed completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. C. Reason, do hereby certify upon my official oath as stenographer that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. C. Reason

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of EMILIE I. QUINTON, for the enrollment of herself and children as citizens of the Cherokee Nation:

EMILIE I. QUINTON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Belle I. Quinton.
Q How old are you? A I am 34 will soon be 35.
Q What is your post office address? A Anola, I. T.
Q Are you the mother of John H., and Willie Quinton?
A Yes sir.
Q Are you also the guardian of Andrew F. Crittendon? A Yes sir.
Q What is the name of your husband? A Jack Quinton. They call him George Quinton.
Q When were you married to him? A I was married seventeen years ago, or eighteen, I don't know exactly.
Q Was your husband ever married before he married you?
A Not that I know of.
Q Jack Quinton was never married before he married you?
A No sir, not that I know of.
Q Are Jack Quinton and George Quinton one and the same person?
A Yes sir.
Q How long did you know Jack Quinton before you were married to him? A About a year, or hardly so long.
Q Is he living now? A Yes sir I think he is.
Q Is he married? A I think he is. He has been married half a dozen times they tell me. I have never seen him since he and him parted twelve years ago.
Q You mean he has been married a half a dozen times since then or before? A Yes sir since he quit me.
Q Where is he now? A When I was here before they told me he was on the Arkansas river somewhere.
Q Didn't he ever tell you he was married before he married you?
A No sir.
Q Never mentioned it at all? A No sir.
Q Did you ever ask him? A After we were married I did.
Q What did he say? A He said he wasn't never married before he married me.
Q Where have you been living since you were married to him?
A In the Cherokee Nation.
Q Were the children both born in the Cherokee Nation? A Yes sir.
Q Was Willie born prior to your separation or afterwards?
A Just afterwards.
Q How long? A About four months.
Q Were you ever married before you married Quinton? A No sir.
Q How old a man is he now? A I think he was about three or four years older than I was.
Q You are about how old? A I am 34 going on 35.
Q What year were you married to him in? A I forget.
Q About how many years ago? A Its been about seventeen or eighteen years.
Q Did you ever hear him speak of a woman named Mary Sanders?
A Yes sir he had a sister named Mary Sanders, married Josh Sanders.
Q He was never married to a woman named Mary Sanders?
A Not that I know of.

Examined by W. W. Hastings:

Q Did he have a child when he married you ?
A Yes sir, had a little boy.
Q What was his name ? A I don't know what his name was.
He was a small child.
Q What did he call him ? A I never did see the child; he said he had a child by a woman that was dead.
Q I thought you said he said he never had been married ?
A Well, his wife was dead, he always claimed to me. He asked me if he had a living wife.

The Commission: No I didn't; I asked you if he was ever married before he married you.

A I don't know; he always claimed to me that he never was married to her. Of course I guess that's what he claimed to these other women, that he never was married to me.
Q Well he never was married to you was he ? A Yes sir, they have got my marriage certificate right here.
Q Have you been married since ? A No sir.
Q How long did you live with him ? A I lived with him about six years.
Q Where were you living when you left him ?
A Down by uncle Joe Kilderbrand's.
Q Did you leave him ? A No sir, the last time we separated we went to the Gauge Station, and he sent me back down here, and he told me if I would come back down here he would come down to me, and I come back, and he never did come back.
Q Have you ever seen him after that ?
A Yes sir, I seen him once after that.
Q Did you write to him about coming back down here ?
A Yes sir, he wrote me a letter or two, and he always said he would come; and some of the boys said they seen him get on a train down here and go to Texas, and the next thing we heard we heard he was married down there.
Q Where have you been living since that time ?
A Near Inola, for about nine years. Ever since the year before the strip payment.
Q Never been married since ? A No sir.
Q How old is the youngest child now ? A He is twelve years old, going on thirteen.

E. J. Bagwell, an oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. J. Bagwell

Subscribed and sworn to before me this June 20, 1902.

[Signature]
Notary Public.

Dec 28, 1900

4. December: 1800.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the application of Belle I. Quinton for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her children John H. and Willis Quinton, as citizens by blood of the Cherokee Nation.

Supplemental to D-728.

Cherokee Nation appears by J. C. Starr.

BELLE I. QUINTON, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Belle I. Quinton.
- Q. How old are you? A. I am 36.
- Q. What is your post office? A. Inola.
- Q. Are you a white woman? A. Yes, sir.
- Q. Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A. Yes, sir.
- Q. What is the name of the husband through whom you claim citizenship? A. Jack Quinton, or George Quinton. He always went by the name of Jack.
- Q. When were you married to him? A. About 20 years ago.
- Q. You don't remember what year, do you? A. No, sir; I don't remember exactly.
- Q. Had Jack Quinton ever been married before he married you? A. No, sir; not that I know of.
- Q. You don't think he was? A. No, sir; not that I know of. He always told me he wasn't.
- Q. Had you been married before you married him? A. No, sir.
- Q. As far as you know neither you nor your husband had been married before? A. No, sir.
- Q. Do you know if your husband had a wife named Sanders before he married you? A. No, sir.
- Q. You don't know anything about that? A. No, sir; I just came to the Territory when I got acquainted with him.
- Q. How long did you and your husband live together after you were married? A. We lived together about 6 years--lets see; 6 years.
- Q. When did he die? A. He ain't dead.
- Q. You separated? A. Yes, sir.
- Q. You separated after living with him for about 6 years? A. Yes, sir.
- Q. Did he leave you or you leave him? A. He left me.
- Q. What was the matter? A. Well, he just got up and pulled out, in that is all I know, and left me with three little children.
- Q. Did he give any reason why he left you? A. No, sir.
- Q. Did you ever give him any cause to leave you? A. No, sir; I never gave him any cause to leave me.
- Q. Had you had any trouble? A. Nothing only he just run around all the time.
- Q. Did he provide for you? A. No, sir; I had to work to support my children.
- Q. Did you make any effort to have your husband come back and live with you? A. No, sir.
- Q. Didn't want him back? A. No, sir; I didn't want him back.
- Q. Have you got the children? A. Yes, sir.
- Q. Are you living on the place where he left you? A. No, sir.
- Q. Where is your husband living? A. I don't know.

Q. Have you married since your separation? A. No, sir.
 Q. How many children have you? A. I had three and one is dead.
 Q. John H. and Willie are living? A. Yes, sir.
 Q. Have they lived in the Cherokee Nation ever since they were born? A. Yes, sir.
 Q. Have you lived in the Cherokee Nation ever since you were married? A. Yes, sir.
 Q. Never lived anywhere else? A. No, sir.

Examination by Mr. Starr.

Q. Where was Jack Quinton living when you were married?
 A. We was in Arkansas City, Kansas. We went up there and stayed about a month.
 Q. How long had you known him before you married him? A. I hadn't known him more than about 6 months or a year.
 Q. Do you know whether he had another wife? A. No, sir.
 Q. Did you know he had a wife named Mary? A. He said he had a sister Mary, and one named Maggie, I believe. He never did say anything about his wife.
 Q. Where did you live after you got back from Arkansas City?
 A. Just lived here and there.
 Q. Where were you living when this separation took place?
 A. He took me to the Osage Nation.
 Q. Were you out there when you separated? A. He sent me back.
 Q. Where did you stay in the Osage Nation? A. Pawhuska.
 Q. How long did you stay in Pawhuska before you separated?
 A. About 2 or 3 weeks.
 Q. Keep house there? A. No, sir; we lived in the house with his folks.
 Q. You left him there and came back to the Cherokee Nation?
 A. Yes, sir. He sent me back and said he would come back here and he never did come.
 Q. Where did you come to? A. I come to Matt Crittenden's.
 Q. Did you make any effort to get him to come back? A. I wrote to him a time or two and then I didn't hear from him any more.
 Q. You left your husband and came to the Cherokee Nation?
 A. I didn't leave him. He sent me back here. I didn't leave him. He said he would come here and he didn't come. The next thing I heard of him I heard he was going to Texas to some of his folks.
 Q. Have you been married since that time? A. No, sir.
 Q. Who lives with you now? A. Mr and my children. I am keeping house for a man named Cee. I appointed him guardian to make my children a place when my baby was about six months old.
 Q. We made a place in the Creek Nation and the Creeks told us we couldn't hold it and we traded it to old man Robinson and went to the Cherokee Nation.
 Q. Cee was living with you then, wasn't he? A. Yes, sir.
 Q. How many years has he been living with you? A. About 12 years. About 13 I guess.
 Q. You and this man Cee and these children are living there?
 A. Yes, sir. My brothers was with me part of the time. I have got two brothers.
 Q. Didn't you go up in Kansas and get married to this man at one time? A. No, sir.
 Q. Never married any any time? A. No, sir. I never carried his name.
 Q. Were you ever married to him? A. No, sir.

Examination by the Commission.

Q. How old a man is this man now? A. He is about 35, I guess.
He is about the same age I am.
Q. Is he a single man? A. Yes, sir.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of December, 1902.

B. C. Jones
Notary Public.

Cherokee D-728.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-csc-

In the matter of the application for the enrollment of John Henry Quinton, et al., as citizens by blood of the Cherokee Nation.

O R D E R.

It appears from the record in this case that on October 29, 1900, Bell Ida Quinton appeared before this Commission, at Claremore, Indian Territory, and made application for the enrollment of her two minor children, John Henry (16 years old) and Willie Quinton (12 years old), as citizens by blood of the Cherokee Nation, their names being listed on Cherokee Card, D-728.

The evidence in this case shows that John Henry and Willie Quinton are the children of Bell Ida Quinton, a noncitizen white woman, and Jack (or George W.) Quinton, whose name appears (as Jack Quinton) upon the 1880 Authenticated Cherokee Roll.

Both of said applicants herein have resided continuously in the Cherokee Nation from the date of their birth up to and including September 1, 1902.

It is, therefore, ordered that John Henry Quinton and Willie Quinton be transferred from Card, Cherokee D-728 to Card, Cherokee 10862.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

MAR 14 1905

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Sumie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Hendrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Flectwood	1290	Laureh P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadbuss	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dittmeyer	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2983	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney 4225
 Sydney E. Bell 4232
 Isaac H. Jordan 4235
 Charles Parks 4244
 Dora Frenchman 4262
 James R. Fugate 4275
 Maud Adams 4277
 Elizabeth Black 4281
 Anna Thornton 4291
 Robert T. Morrison 4294
 Perley Israel 4295
 William A. Long 4304
 Mollie Swannock 4319
 Frances Guess 4324
 Allen H. Gibson 4327
 John McFall Jr. 4343
 Albert W. Fitzsimmons 4360
 George S. Ford 4386
 Quinn Carr 4387
 William A. Powell 4390
 Austin Hasley 4400
 Anna Bible 4414
 Elizabeth Riley 4428
 John P. Sudderth 4449
 Anderson Keen 4450
 Ida M. Adams 4451
 Martha J. Randall 4457
 Mollie Conner 4477
 Jane McGhee 4491
 Jennie Riley 4525
 Hannah Randall 4528
 Charles W. Childers 4542
 Nannie B. Riley 4543
 John W. McDaniel 4544
 Minnie Armstrong 4548
 Ada Chouteau 4549
 Mary Thompson 4571
 Ota Armstrong 4593
 Mary Spencer 4594
 Clarkson F. Woody 4603
 James M. McConnell 4604
 Annie E. Coker 4605
 Jennie Long 4606
 Julia Gilstrap 4607
 Laura E. Smith 4608
 Annie Nicholas 4609
 Minnie R. Taylor 4611
 Mary E. Rogers 4614
 Emma Downing 4615
 William Steere 4619

Roxie J. Ketchum 4623
 Lizzie Love 4626
 Robert K. Wayn 4632
 Frederick Metzner 4633
 John C. Bratcher 4634
 Pigrow L. Jones 4641
 Ada Berthoff 4642
 Alice Robbins 4644
 Jane Dougherty 4649
 Samuel Francis 4650
 Clemon C. Peek 4652
 Mont C. Frazier 4653
 Frank J. Mayberry 4656
 Charles W. Moore 4660
 Jefferson D. Edmondson 4661
 Alonzo H. Boone 4662
 Thomas C. Mock 4668
 Sallie Allison 4669
 Elizabeth E. Burgess 4671
 LaFayette Breeden 4673
 James M. Boling 4676
 Francis A. Neilson 4681
 John F. Smith 4689
 Rufus S. Steward 4691
 John I. Haddock 4694
 Maggie O. Walkley 4695
 George W. Talbert 4698
 Mary Miller 4700
 Henry C. White 4707
 Mattie E. Hill 4760
 Alice A. Bible 4772
 Katie Coker 4785
 John Creek 4801
 Ruby R. Bean 4804
 William J. Dodson 4836
 Blackburn Reed 4882
 Viola Lowther 4891
 William B. Ritchson 4910
 Henry D. McDonald 4950
 Della McDaniel 4956
 Dorothy Rattlinggourd 4991
 Ida McCay 5093
 Henry M. Lyon 5100
 Alice J. Wofford 5101
 Nancy Morris 5137
 Ella Sullivan 5140
 Winfield Williams 5144
 Bessie M. Smith 5145
 May Humphrey 5207
 Donnie Burgess 5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry, Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenbaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John E. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Elin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Allerty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pailee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Yours F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zemo M. Cox	9964
Annie Sanders	9638	Jerusha F. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Ruins	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Wattie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienbaumt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Maddling	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 405), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

(D)
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 27 1900


ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 27 1900

1900.

Name

Quola H.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

1 Wife's name

Belle S. Linton

District

Year *1896*

Page

No.

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

no

Date of marriage

1884

License

Filed

OCT 27 1900

Certificate

Filed

OCT 27 1900

Names of Children:

2	<i>John H. Linton</i>	Dist.	<i>18</i>	Year	<i>18</i>	Page	No.	Age	<i>16</i>
3	<i>Willie</i>	Dist.	<i>4</i>	Year	<i>4</i>	Page	No.	Age	<i>12</i>
		Dist.		Year		Page	No.	Age	
		Dist.		Year		Page	No.	Age	
	<i>Father</i>	Dist.	<i>Geo. W. Linton</i>	Year	<i>C</i>	Page	No.	Age	
		Dist.		Year		Page	No.	Age	
		Dist.		Year		Page	No.	Age	
		Dist.		Year		Page	No.	Age	
		Dist.		Year		Page	No.	Age	
		Dist.		Year		Page	No.	Age	
		Dist.		Year		Page	No.	Age	

Accepted

No.

IN THE MATTER OF THE ESTATE

OF

IN THE

PROBATE COURT,

OF

COWLEY COUNTY,

KANSAS.

Marriage License.

STATE OF KANSAS, { SS.
COWLEY COUNTY.

May 5th

A. D. 1884

To any Person authorized by law to perform the Marriage Ceremony, Greeting:

You are Hereby Authorized to Join in Marriage

Georg W Quinton of Indian Nation aged 22 years,
and Ida B Tyler of Cowley, Co. Kan aged 16 years,
and of this License you will make due return to my office within thirty days.

H D Gans.

Probate Judge.

STATE OF KANSAS.

Cowley

COUNTY, SS.

I, the undersigned, N S Bruckner of _____ do hereby

certify, that in accordance with the authorization of the within license, I did, on the

7th day of May

A. D. 1884, at Arkansas City

in said County, join and unite in marriage the above named

George W Quinton and Ida B. Tyler

Witness my hand and seal the day and year above written.

N S Bruckner

Official Title Minister of the Gospel

Attest:

Probate Judge.

GOVERNMENT PRINTING CO

I, *J. Meottingham*,

sole Judge and ex-officio

Clerk of the Probate Court within and for the County aforesaid, do hereby certify the foregoing to be

a true *Copy of Marriage License with return there on*

as the same appears from the records of said Court.

In Testimony Whereof, I have hereunto set my hand and affixed the seal

of said Court at *Winfield, Ks.* this *16*

day of *October* A. D. *1890*

J. Meottingham
Probate Judge and Ex-Officio Clerk.

STATE OF KANSAS, } ss.
COWLEY COUNTY,

I, *J. Meottingham*,

sole Judge of the Probate Court within and

for said County, the same being a court of law and record, hereby certify that the signature attached

to the above certificate, purporting to be that of *J. Meottingham*

is his genuine signature, and that he was at the time thereof ex-officio Clerk of said Probate Court, and

as such full faith and credit are due his acts, and that the attestation of said Clerk is in due form of law, and by the proper officer.

Witness my hand and the seal of said Court, at *Winfield*

this *16* day of *October* *1890*

J. Meottingham
Probate Judge.

ATTORNEYS:

E. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. 128.....

Muskegee, I. T., Jan. 25, 1902.

Mr. Jack Quinton,

Wildcat, I. T.

Dear Sir:

Bell Ida Quinton applied for enrollment as a citizen by inter-marriage of the Cherokee Nation and claimed that she was married to you in 1884 and that you left her just after the Cherokee payment in '94. She claims to have had two children by you.

Write me whether either of you had ever been married previously and if so had you been divorced, or the cause of the separation, or in fact anything which might effect her right to enrollment as a citizen of the Cherokee Nation.

Yours very truly,

Attorney for the Cherokee Nation.

{ Mr Hastings }
{ read this letter }
}

now will trusting you is
a private letter of you
a favor. That is to work
this thing in a form that
will keep my name as
silent as possible; for you
know your self that some
people glory in a mans
down fall. So please Mr
Hastings keep ^{me} silent as
possible, your true
friend Jack Bennett

Wileat-Incl. T.
1-28-02

W. W. Harting's
muckope 98

Dear Sir
in reply to yours of recent
date. will say that me and
this woman you speak
of was not married by the
sherokee laws. & at the time
I got her I had bin married
to mary Sanders & was not
divorced from mary. she
has 1 boy which I guess is
mine his name is John.
E over 3

and that is all. as for the time
of mine & Belles Separation;
we separated sometime in
1880 not in the year of 1880.
But somewhere between
1880 & 1890. & I havent had
any thing to do with her
since. as for the cause of our
separation. I leave that for
other people to say.

Yours Resly

Jack Drinton

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 24 1902



COMMISSIONERS.
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRICKNORRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON I. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, February, 18

1902.

Mrs. Bell I. Quinton,

Inola, Indian Territory,

Madam:-

You are hereby notified that the application of **yourself and two minor children** for enrollment as **citizens** of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the eighth day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-728
Register.

Yours truly,

Acting Chairman
~~Commissioner~~

Commissioner in Charge.

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 728

Muskogee, I. T., March 3, 1902

Mr. Jack Quinton,

Wildecat, I. T.

Dear Sir: -

Enclosed herewith find a subpoena for Your attendance as a witness before the Dawes Commission at Muskogee on the 8th day of March, 1902. Please accept service of the same by signing the blank, stamped in red ink at the bottom of the subpoena and return it to us by first mail, and advise us if You will be on hand promptly on that date.

Yours truly,

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. - C. D. 728.

Muskogee, I. T., March 4, 1902.

Post Master,

Inola, I. T.

Dear Sir:

Enclosed herewith find a notice which we desire served at once on Belle I. Quinton. Please hand it to the City Marshal if there is one at Inola, and if not kindly hand it to some liver man who will serve it. Have him serve the notice by delivering her one oop and then make out his return in the lowest blank on the back of the other oop, swear to it before a Notary Public and return to us at the earliest possible date, and also send us the amount of his bill for same, and we will be pleased to remit the money. Please attend to this at once, and hand the party who serves the notice this letter, so he will understand the matter. Thanking you in advance, we are,

Yours truly,

C D. 728

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190 ..

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

Belk J. Quittan
on the *7th* day of *March* A. D. 190*2*
Edwin J. Decker

Subscribed and sworn to before me
this *7th day of Mar 1902*
A. B. Gillies

.....
Notary Public.

My Comm. expires Sept. 8th 1905

NOTICE!

IN THE MATTER OF the application of Belle I. Quinton,
for enrollment as Cherokee citizens:

Case No. D 728

To Belle I. Quinton, Inola, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 8th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 4th, 1902.

M. M. Harts
Attorneys for the Cherokee Nation.

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 728.

Muskegee, I. T., March 10, 1902.

A. H. Norwood, Esq.,

Dewey, I. T.

Dear Sir:

Enclosed herewith find a notice for the taking of testimony here in the matter of Belle I. Quinton on the 19th day of March, 1902. Kindly accept service of the notice by filling in and signing the proper blank on the back of same, and return it to us by first mail, and oblige,

Yours truly,

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 728.

Muskogee, I. T., March 11, 1902.

Mr. Tecsee Chambers,

Clar more, I. T.

Dear Tecsee:

A woman by the name of Belle I. Quinton has applied to the United States Commission for enrollment as a citizen of the Cherokee Nation by intermarriage, claiming through a marriage to Jack Quinton. Jack Quinton says he was married to a woman by the name of Mary Sanders, who was the daughter of Josh Sanders. This marriage of Mary Sanders occurred before the marriage to Belle I. Quinton, and Mary Sanders appears upon the 1880 roll with Jack Sanders as his wife in Canadian District. Now Belle I. Quinton was married to Jack Quinton after 1880 and her enrollment depends upon the question as to the exact date of the death of Mary Sanders; if Mary Sanders died after the marriage of Belle I. Quinton and

L. H. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

2

No. F. D. -

Jack Quinton then Belle I. Quinton is not entitled to enrollment as no attempt is made to show a divorce between Jack ~~San~~ Quinton and his former wife, Mary Sanders.

What I want you to do is to go at once and see Mrs. Lucinda Langle, who lives near Claremore, and see what she knows as to the marriage of Mary Sanders and Jack Quinton, and also what she knows as to the death of Mary Sanders, who was the wife of Jack Quinton; and whether or not a divorce was ever granted between Jack Quinton and Mary Sanders before he married Belle I. Quinton. Please go and see her as soon as you get this letter, and give us the date of the death of Mary Sanders, and write us fully what Mrs. Lucinda Langle says about it, and what she will swear to, and as soon as we hear from you, if we think her testimony will do us any good, we will send you a subpoena for her. This Quinton case is set

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

3

for trial on March 19th, and we want to be ready this time, and for this reason I would be glad if you will go at once and see about it; and when you report on this case send us a statement of your charges and we will be pleased to remit the same to you.

Yours truly,

Mr. Star - please hand
This letter to Mr. Hastings

Wildcat - N.Y.

3-15-12

W. W. Hastings
New York City

Dear Sir

I received your subpoena. Today
will say in reply that my
circumstances prevent my
coming at an early date.
my wife has been under a
doctors treatment for a month
or more and is yet and I
very busy at work also
making preparations for
a crop and it is utterly

impossible for me to
 come now or any ways.
 So soon but will say this
 I will go before a Notary
 public and swear out an
 affidavit and send to you
 if it will be of any use
 to you. I am in Hastings
 with me at once and
 tell me what that woman
 has sworn before the com-
 mission and I think I
 can satisfy the commission
 with a sworn statement
 before the notary public
 yours Prof. Jack Duntun

as for The Lull, Mrs. S.
She will send me all
I hear from you.
write in haste and give
full details of her
statement. - yours Res.
J. D.

Cherokee No.
D. 728

Muskogee, Indian Territory, January 10, 1907.

Belle I. Quinton,

Inola, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. ----D-----

Commissioner.

Cherokee D728

Muskogee, Indian Territory, March 14, 1907.

Belle I. Quinton,

Inola, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, rejecting the application for your enrollment

as a citizen by intermarriage of the Cherokee Nation, was
affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskegee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 24, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LMG

CORRECTION

THIS DOCUMENT

HAS BEEN

REPHOTOGRAPHED

TO ASSURE

LEGIBILITY

5728

Oct 27/01 Bell J Orenton
Claremont for by mar. r
2 children by blood
John Henry & Mable
7 P Mrs June 25/02
Test taken Oct 20/01
at re Jack Orenton at Mrs -

married May 5/84 to
Geo W Orenton a ch by blood
separated 10 years ago -

Resides in native home
married with children
not married since -

M C HC

Further proof as to
whether L W or
Jack Oremont had
a living wife at
time of marriage to
Berle Oremont.

Jack Oremont in his
own application does
not mention the
fact of marriage to
Berle O at all —

Are there two
Jack Oremonts.

Belle & Marion

MUSKOGEE, IND. T.



J. C. Storr,

Muskogee,

J. T.

Belle J. Quinlan

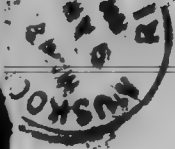
MUSKOGEE, IND. T.



J. J. Carr,

Muskogee,

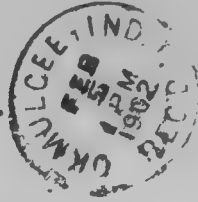
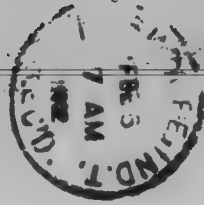
I. T.



Mary Sanders {
11 Bay Bros. f "

C D 728





IN THE MATTER OF THE APPLICATION OF

Belle J. Quanten et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Jack was married to
Belle in 1884 —

Henry James at
the College
the
married

Cher D 727

Cher D 729

Doubtful, as to husband, Thomas T. Fletcher.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Claremore, I.T., October 27, 1900.

In the matter of the application of Annie Fletcher for the enrollment of herself, husband and 2 children as Cherokee citizens; being sworn and examined by Commissioner Brackinridge and testified as follows:

Q Give us your full name. A Annie Bushyhead.
Q How old are you. A 33.
Q What is your post-office? A Colapah.
Q Do you live in Goveesecowee District? A Yes sir.
Q Who is it you want to have enrolled, yourself and family?
A Yes sir.
Q Have you a husband? A Yes sir.
Q How many children have you. A I have got two.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A George Wilson Bushyhead.
Q Is he alive? A Yes sir.
Q And your mother's name? A Martha Bushyhead.
Q Is she alive? A Yes sir.
Q Your name isn't Bushyhead now? A No sir.
Q Tell me what your name is? A Annie Fletcher.
Q You say you are a Cherokee by blood? A Yes sir.
Q Is your husband a Cherokee by blood? A Yes sir.
Q When were you married to him? A 1894.
Q Now give me the name of your husband? A Thomas T. Fletcher.
Q How old is he? A 28 years old.
Q Where is he now? A He is down at Brains.
Q What is he doing down there? A He is working down there.
Q You and he have lived together ever since you were married?
A Yes sir.
Q Has he lived in the Cherokee Nation all his life? A Yes sir.
Q What is the name of his father? A I don't know.
Q What is the name of his mother? A Mary.
Q Is his father alive? A No sir.
Q Is his mother alive? A No sir.
Q Give me the names of your children? A Martha Fletcher.
Q How old is that child? A She is 4 years old.
Q Give me the name of the next child? A Maggie.
Q How old is Maggie? A One year old.
1890 roll page 617 #1709 Annie Bushyhead Saline Dist, native Cherokee;
1890 roll examined for husband and name not found;
1891 roll page 159 #1786 as Anna Fletcher Goveesecowee Dist;
1896 roll examined for husband and name not found
1896 roll page 159 #1787 Martha Fletcher Goveesecowee.
Q Do you want to apply for this husband of yours, Thomas T. Fletcher
or as an intermarried Cherokee or a native Cherokee? A (No reply)
Q He didn't get out a Cherokee license when he married you did he?
A No reply)
Q How were you and Thomas Fletcher married, - just by a preacher?
A By a clerk.
Q Have you got any papers? A Yes sir. (Produces papers).
Comm'r: The applicant presents a marriage certificate showing that she
was married to her husband as stated by her in April 1894; but
as she is identified under that name on the roll of 1890 this is
returned to her.
Applicant: He ought to be a Cherokee; he drew his strip money.
1894 roll page 181 #1046 Thomas Fletcher Goveesecowee Dist.

MATTIE MUSTER, being sworn and examined, states:
Q Give your full name? A Mattie Muster.

Q Give your age? A 34.
 Q What is your post-office? A Clar born.
 Q You are a sister of Thomas T. Fletcher? A Yes sir, sup-
 posed to be.
 Q Who is the husband of this applicant now? A Yes sir.
 Q You are the wife of John W. Buster? A Yes sir.
 Q What is the name of your mother? A Mary Fletcher, - she is
 dead.
 Q And your father? A Ad Fletcher, - he is dead.
 Q It seems that neither your father, or your mother could be iden-
 tified on the roll of 1880 when you applied for your own enrollment?
 A They died when I was just a little baby.
 Q Did before that roll was made? A Yes sir.
 Q But you had an aunt identified on that roll? A Yes sir.
 Q Your mother's sister? A Yes sir.
 Q That's Eleanor McGinnley? A Yes sir.
 Com'r: She is in the 1880 roll, page 554 #1252 Illinois Dist.
 Q How comes it that your brother here, Thomas Fletcher is not
 identified on the rolls of 1880 and 1896? A I don't know.
 Q What about him in 1896? A He was at the time of correc-
 tion in 1890.
 Q What was he in 1890? A He was in the Oange Nation.
 Q What was he doing out there? A They was just in the Nation
 on a visit; we have got some people living out there.
 Q Was he born in the Cherokee Nation? A Yes sir.
 Q How long lived there all his life? A Yes sir, more or less.

APPLICANT'S HISTORY:

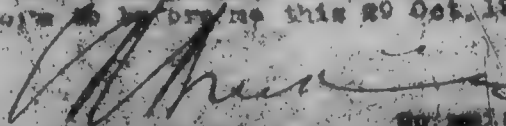
Q Your husband, Thomas Fletcher, has been at Detroit hasn't he, in
 prison? A Yes sir, that was before me and him were married.

Com'r Brockbridge: The applicant applies for the enrollment
 of herself, her husband and 2 children; she is identified in the
 rolls of 1880 and 1896 as a native Cherokee; she has lived in the
 Cherokee Nation all her life, and she will be listed for enrollment
 as a Cherokee by blood; her child, Martha, is identified with her on
 the roll of 1896; she will be listed for enrollment as a Cherokee
 by blood; and when the commission is supplied with a certificate of
 birth of the younger child, Maggie, she also will be listed
 for enrollment as a Cherokee by blood.

She states that her husband is a Cherokee by blood; he has nev-
 er been married to her in accordance with Cherokee law, and the
 only ground upon which he can claim is as a Cherokee by blood;
 he is identified with reasonable certainty upon the roll of 1894,
 but not upon the roll of 1880 or 1896; there is considerable
 ground for belief, as shown in the testimony, that he was born
 in the Cherokee Nation and has lived here all his life; his mother
 since before the roll of 1880 was made and an aunt of his mother's
 sister of his mother's, is identified on the roll of 1880; this
 man is shown to have been in the house of correction in early
 life, and to have been in the penitentiary later; he is not at
 home at this time and may be evading the law; in view of the cir-
 cumstances surrounding him, he will be placed upon a doubtful card, and
 it is desired that he make his personal appearance.

H.D. GREEN, being first duly sworn, states that as a stenographer to the
 Commission to the Five Civilized Tribes he correctly recorded the tes-
 timony & proceedings in this case & that the foregoing is a true and
 complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20 Oct. 1900.



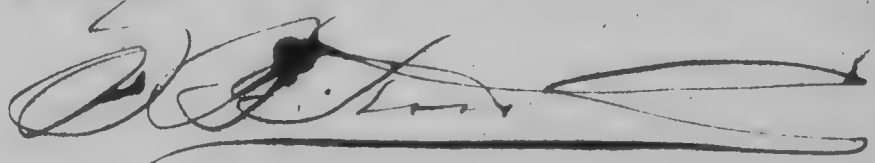
Stenographer.

Supl.-C.D.#720.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of THOMAS T. FLETCHER as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 8th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney, and an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 8th day of March 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

A handwritten signature in dark ink, appearing to be 'J. H. ...', written over a horizontal line.

Commissioner.

Cherokee D-729.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c00-

[Handwritten initials]
In the matter of the application for the enrollment of
Thomas T. Fletcher, et al., as citizens by blood of the Cherokee
Nation.

---: D E C I S I O N :---

It appears from the record herein that on October 27, 1900 Annie Fletcher appeared before this Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself, her husband, Thomas T. Fletcher, and her two minor children, Martha and Maggie Fletcher, as citizens by blood of the Cherokee Nation.

The Commission has heretofore determined the rights of Annie, Martha and Maggie Fletcher to enrollment, their names appearing as Nos. 11997, 11998 and 11999, respectively, upon a list prepared by this Commission of persons entitled to enrollment as citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior, December 8, 1902.

The evidence herein shows that Thomas T. Fletcher is a Cherokee Indian and the son of Ad Fletcher and Mary Fletcher, both of whom died prior to the preparation of the 1880 Authenticated Cherokee Roll.

The evidence herein further shows that Thomas T. Fletcher has resided continuously in the Cherokee Nation from the date of his birth until the date of this application, with the exception of a temporary absence in 1880 and in 1896. It is not considered that he has by said absences forfeited his rights to citizenship in the Cherokee Nation.

It appears from the records in the possession of the Commission that the applicant is identified upon the 1894 Cherokee Strip Payment Roll.

It is therefore the opinion of this Commission that Thomas T. Fletcher should be enrolled as a citizen by blood of the Cherokee Nation, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

L. B. Needles.

Commissioner.

(SIGNED).

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

MAR 16 1905

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPT. OF THE INTERIOR
Cherokee D-729.

Muskogee, Indian Territory, March 16, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, granting the application for the enrollment of Thomas T. Fletcher as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-139.

Chairman.

Thomas Fletcher

A Original testimony of 7/2/19

B Memo of 11/11/19

C Notice of final Consideration 3/8/19

D Order closing testimony 3/8/19

MAY 18 1905

Cancelled and
Transferred to 5020

See Cherokee Jacket No 5020

Cher D 730

Cher D 730

L 330

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 27th, 1900.

In the matter of the application of Heseekiah Bussey for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Bussey being first duly sworn, testified as follows:-
EXAMINATION BY THE COMMISSION:

- Q What is your name? A Heseekiah Bussey.
Q How old are you? A 37.
Q What is your post office address? A Claremore.
Q Do you make application for enrollment as a Cherokee citizen by blood? A No, sir.
Q By adoption? A Yes, sir.
Q For whom do you make application? A Myself, wife and two children.
Q What district are you living in? A Cooweescoowee.
Q How long have you lived there? A Ever since '85.
Q How long have you lived in the Cherokee Nation? A Since '76.
Q Have you been outside of the Cherokee Nation for any purpose within past three years? A No, sir, not long at a time.
Q For what purpose were you gone? A I was selling horses down here at Little Rock.
Q Simply on business? A Yes, sir.
Q What is the name of your father? A John R. Bussey.
Q Is he living? A No, sir.
Q Was he Cherokee by blood or a white man? A White man.
Q What is the name of your mother? A Elizabeth.
Q Is she living? A Yes, sir.
Q Is she Cherokee by blood or a white woman? A Yes, sir, white woman.
Q Were your parents ever recognized as citizens of the Cherokee Nation? A No, sir.
Q The correct name of your present wife is? A Martha.
Q Is she living? A Yes, sir.
Q How old is she? A 19.
Q Is she a Cherokee by blood? A Yes, sir.
Q What district does she reside in? A Cooweescoowee.
Q How long has she lived in the Cherokee Nation? A Born and raised here.
Q What was the name of her father? A Mack Downing.
Q Is he living or dead? A Dead.
Q Is he a Cherokee or white man? A White man.
Q What is the name of your wife's mother? A Eliza.
Q Is she living? A Yes, sir.
Q Is she a Cherokee by blood? A Yes, sir.
Q Does the name of your wife's parents appear upon the authenticated roll of 1880? A I think so.
Q When were you married to your present wife? A Three years ago last May.
Q Have you any evidence of your marriage? A That marriage certificate.

THE COMMISSION: Applicant presents a marriage license authorizing the marriage of Heseekiah Bussey to Miss Martha Downing, issued on the 31st day of May, 1898, by James A. Winston, Clerk of the United States Court, Northern Judicial District, Indian Territory, and a certificate showing that said marriage was performed by David W. Hasley, United States Commissioner for the Northern District Indian Territory, on the 23d day of May, 1898.

- Q Have you lived with your wife continuously since you married her? A Yes, sir.
Q Were you ever married before? A Yes, sir.
Q What was the name of your first wife? A Mandie.
Q When were you married to your first wife? A In 1886.
Q Was she a Cherokee by blood? A Yes, sir.

THE COMMISSION: The applicant presents a marriage license authorizing the marriage of H. F. Bussey, a citizen of the United States to Miss Mandy Johnson, a citizen of the Cherokee Nation, as issued on the 11th day of July, 1896, and certificate showing that said marriage was performed by J. B. Campbell, Deputy Clerk of Osage County, Oklahoma district, on the 11th, day of July, 1896. The same is filed herewith.

Q Did you live with your first wife up to the time of her death?
A Yes and I parted.

Q How long did you live with her? A I think about seven years.

Q Did she leave you or you leave her? A She left me.

Q What was the cause of the separation? A I could not tell you that hardly.

Q Did she allege cruel treatment on your part? A She just got up and went home.

Q Did you secure a divorce? A She did.

Q She brought suit for a divorce and it was granted her? A Yes sir.

Q Have you a copy of that decree granting her a divorce? A No, sir, I have not.

Q When were you divorced? A I think it was about five years ago.

Q Where were you living at the time of your divorce? A Here in this district.

Q Was the divorce granted by the Cherokee or United States Court?
A Cherokee Nation.

Q You state that she instituted proceedings for a divorce? A Yes, sir.

Q What did she allege in her bill? A I do not know, I was not there at all.

Q It went by default? A Yes, sir.

Q Did she leave the place on which you were living? A Yes, sir.

Q You staid on the old place? A Yes, sir.

INTERROGATORIES BY JOEL L. BAUGH, Cherokee Representative:

Q You say you did not appear in response to the summons? A No, sir.

Q For what reason? A We had an agreement, me and her did, that she was to have the divorce and I would not appear against her. We compromised and I divided up and she got the divorce and married again.

Q In this instance of a compromise did you understand that you agreed to the complaint alleged that she should have a divorce? A I do not know what the complaint was. I agreed that she was to get a divorce and I would not appear against her.

Q That was that you agreed to the complaint as alleged; that is a fact is it? A Yes, sir, I guess so.

Q Was the summons served on you? A No, sir.

BY THE COMMISSION:

Q Now, give me the names of the children for whom you desire to make application? A Johnnie Bussey.

Q How old is he? A 11 years old.

Q Have you any other children? A One.

Q What is its name? A Heck.

Q How old is Heck? A He is six months old.

Q Both these children alive and living with you? A Yes, sir.

Q You are the father of both of these children? A Yes, sir.

Q Who is the mother of the elder child? A Mandy Johnson.

Q Who is the mother of the next, your present wife? A Yes, sir.

Q These children always lived with you? A No, sir, with me and my mother this oldest boy has.

Q When your former wife was granted a divorce was she given custody of the child or were you given custody of the child? A I think is

Hezekiah Bussey--3.

the divorce she was to have the boy and she did not want him and give him back to me.

Q Has she given anything towards its support in any way at all?
A No, sir. I have had it all the time except about a month.

Q Are you willing to withdraw the application for the enrollment of your child and leave your former wife to enroll your child? A If that is the only show, I want to get him enrolled in some way.

1880 Roll; page 763, #590, Mack Downing, Tahlequah.

Q Was not your wife's mother married to Mack Downing in 1880?

A [No response.]

Q Was your wife's mother ever known as Allie? A No, sir, I think not.

MARTHA BUSSEY, being first sworn, testified as follows, upon examination by THE COMMISSION:

Q What is your name? A Martha Bussey,

Q Are you the wife of the applicant, Hezekiah Bussey? A Yes, sir.

Q What was the name of your mother in 1880? A I guess it must have been Eliza Adair; I do not know whether my father and mother were married then or not.

Q Where was your mother living then? A In Saline District.

Q Was your mother ever known as Allie? A No, sir, that was James Downing's wife.

Q Was your mother ever known as Louisa? [No response.]

Q Did you have a sister named Mabel? A Yes, sir.

1880 Roll; page 612, #17, Louisa Adair, Saline.

Q (To the Applicant.) What district was your wife enrolled in in 1896, your present wife? A Tahlequah.

1896 Roll; page 1161, #864, Martha Downing, Tahlequah.

1896 Roll; page 296, #133, Hezekiah Bussey, Cooweescoowee.

THE COMMISSION: The applicant applies for the enrollment of himself, his wife and one child. He is identified on the census roll of 1896 as an adopted white. He avers that he was first married to one Maud Johnson, a citizen of the Cherokee Nation in the year 1886, and produces evidence showing that he was married to said Maud Johnson in accordance with the laws and customs of the Cherokee Nation. He left with his first wife about seven years; having been divorced from her about five years ago. Since that time he has married one Martha Downing, a citizen of the Cherokee Nation, and produces satisfactory evidence that he complied with the laws and customs of the Cherokee Nation, on the 11th day of May, 1898. He fails to produce a decree of the Court granting his former wife a divorce from him. He will be listed for enrollment by this Commission as an intermarried Cherokee, upon what is known as a doubtful card, and will be required to file either the original decree of the Court or certified copy of the record granting his former wife a divorce from himself.

As to the applicant he makes on behalf of his wife: She is not identified upon the authenticated roll of 1880, having been born since the said roll was compiled, but her father and mother are identified upon that roll as native Cherokees. The applicant's wife is identified upon the census roll of 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life and will be listed for enrollment by this Commission as a Cherokee by blood. When he files proof as to the birth of his child, in the form of affidavits, this child will also be listed enrolled with its mother as a Cherokee by blood. The applicant himself has resided in the Cherokee Nation since 1876 continuously.

Bookish House

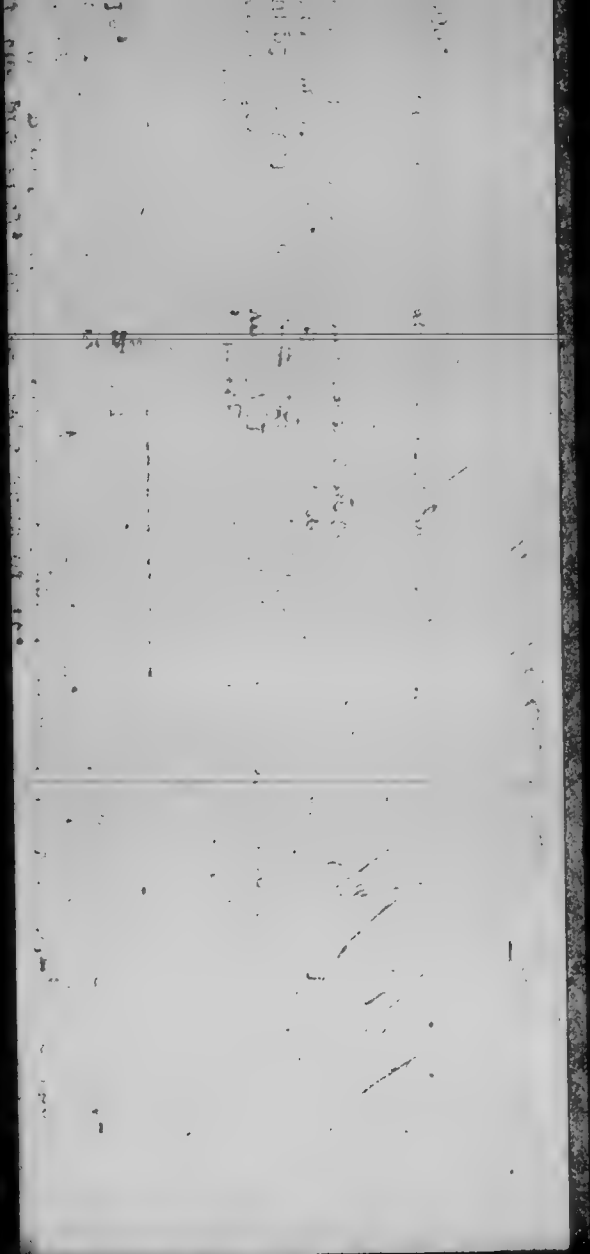
X. O. Hanson, being first duly sworn, stated that he was engaged to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the stenographic notes thereof.

J. O. Hanson

Subscribed and sworn to before me this 29th day of October, 1900.

W. H. H. H.

Commissioner



R.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 29th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF HENCKIAH BUSSEY FOR THE ENROLLMENT OF HIMSELF AND OTHERS AS CHEROKEE CITIZENS.
D CARD 730.

JOHN W. TAYLOR, Jr., being sworn by Commissioner C. R. Breckinridge, was examined by the Commission and testified as follows:

Q What is your name? A John W. Taylor, Jr.

Q What is your age? A Forty years.

Q What is your post office address? A Claremore, Indian Territory.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Henckiah Bussey? A Yes, sir.

Q How long have you known him? A Since 1888.

Q Did you know his former wife, Maud Johnson or Maud Bussey?

A Yes, sir.

Q Did you know her at the time the divorce proceedings were instituted and at the time the divorce was granted from Henckiah Bussey, or between them, one from the other? A I knew the parties at that time.

Q Now, then, state whatever you know about it. Were you one of the attorneys in the case? A Well, I don't remember whether I was or not.

Q Well, was there an agreement entered into between you? A Mr. Bussey and his former wife, Mrs. Maud Bussey called on me and they entered into a written contract whereby Mr. Bussey here agreed to turn over the property that Mr. Sanders had attached as Sheriff's while the suit was pending, and upon Mr. Bussey turning over this property he was not to appear when the suit came up for trial and she was to get her divorce by default, and that agreement was lived up to.

Witness excused.

-----0-----

WILLIAM E. SANDERS, being sworn by Commissioner C. R. Breckinridge was examined by the Commission and testified as follows:

Q What is your name? A William E. Sanders.

Q What is your age? A Forty one.

Q What is your post office address? A Claremore.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.

Examination by Mr. W. W. Hastings, Representative of Cherokee Nation.

Q Were you sheriff of Cowlescoochee District at the time the divorce proceedings were instituted and the divorce granted to Maud Bussey a former wife of Henckiah Bussey, the applicant here? A Yes, sir; I served the papers on Mr. Bussey.

Q You served some attachment papers in connection with it? A Yes, sir; the citation.

Q Where did you serve them at, and where was Henckiah Bussey?

A On his place northeast of Gattosa in the Cherokee Nation.

Q Do you know anything about which left the other? A I couldn't say anything about when I served the papers on him. He was there at

home and the wash, there--if she was I didn't see her, and I showed Bussey the paper there and he pointed out the property that the attachment called for.

Q You didn't see her? A No.

Q That is all you know about it? A That is all I know about it.

Q Then, what did you afterwards do with the property you had attached? A Well, the best of my understanding was they made some kind of an agreement and the property was divided. She released part of the property, and she kept some of it.

Q Part of it was released and you turned it back to him, and the other you turned back to her? A Yes, sir. I don't remember just how much property there was, but there was some horses and hogs and cattle, and some other stuff I think.

The undersigned, being sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly reported the supplemental proceedings in this application at the time and place above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of October A. D. 1900.


Commissioner.

NOV 5 1900

RECEIVED

TO THE SECRETARY OF THE

NAVY DEPARTMENT

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 8, 1900.

D. 730.

In the matter of the application of H Ezekiah Bussey and child for enrollment as Cherokee citizens.

Additional testimony.

Maud Johnson being sworn and examined by Commissioner Needles, testified as follows:

Mr. W.W. Hastings, representative of the Cherokee Nation: What is your name? A Maud Johnson.

Q How old are you? A 24 years old.

Q What is your post office address? A Gatooma.

Q Do you know H Ezekiah Bussey? A Yes, sir.

Q Was he formerly your husband? A Yes, sir, he was.

Q When did you separate, about how long ago? A About 11 years ago.

Q You were married in 1888 I believe? A Yes, sir.

Q About how long did you live together? A Four or five years?

A Yes, sir, we lived together about 7 years.

Q Did you leave him or he leave you? A No, sir, he left me.

Q Tell the circumstances now; anything you want to tell under that.

A Just how it was, he went to town to get some groceries, and instead of going to town as he told me he would, he went off and left me sick in bed and took Tom Davis' daughter to a dance.

Q And he left you on that sick bed while he was going with another girl to a dance? A Yes, sir.

Q Did he return after that? A He came back next morning just about day-light, and I asked him to take me to my mother's, they lived about four miles, and he took his hat and says nothing will do young you wont stay home, I will take you to your mothers, and I said you wont get me anything to eat and I can't stay here and starve, and he says I will take you to your mothers, and he hitched up and took me there, and says you are here now, and you stay here; and I stayed there and kept my bed two weeks, and when I was able to get up I stayed there, and you can call it leaving or not just as you like.

Q Did he come to see you? A Yes, sir, he come several times.

Q Did he provide any medicines? A No, sir, never got a thing.

Q You afterwards agreed with him about a divorce? A Yes, sir.

Q You sued him? A Yes, sir, I put in the divorce case.

Q And you got the divorce? A Yes, sir, I got it all right.

Q What grounds did you allege for the divorce; what did you say in your paper that you wanted a divorce for, what reasons? A I just made it just like it was, just like I told you, that is the way we got our divorce.

Q You alleged these facts, did you? A Yes, sir.

Q He has got one child, Johnnie? A Yes, sir, he has him with him and that is I guess how come him to come back to see me, he kept coming back to steal that child, that is how he happened to be back then.

Commissioner Needles: You are the mother of Johnnie? A Yes, sir.

Q He was a white man, was he? A Yes, sir.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 8th of November, 1900.

Bruce G. Jones
Commissioner
Commissioner.

Supl)-C.D.#730.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of HENRIKIAN BUSHNY
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day appears in person and by his Agent, J. R. Dequishis.

Mr. J. C. Starr, Cherokee Representative, present.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is now considered completed, and will be reported to the Commission for final decision based upon the evidence and of record.



Commissioner.

J.O.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Hezekiah Bussey as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 27, 1900, Hezekiah Bussey appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that Hezekiah Bussey was married under authority of a Cherokee marriage license on July 11, 1888 to Mandy Johnson, a citizen by blood of the Cherokee Nation. It appears that he lived with his wife, Mandy, about seven years, and then abandoned her; that his said wife procured a divorce from him in the Circuit Court, Coowesscoowee District, Cherokee Nation, on June 7, 1894, on the ground of abandonment, and that it was by said court on that day adjudged that Hezekiah Bussey had forfeited every right and privilege in the Cherokee Nation, and was declared a non-citizen thereof.

The said Hezekiah Bussey is identified on the 1896 Census Roll of the Cherokee Nation.

An act of the Cherokee National Council approved October 15, 1855 entitled "An act regulating intermarriage of white men" provides:

"That any white man who shall lawfully marry under the provisions of this act, and then afterwards abandon his wife, shall not be entitled to any of the rights and privileges of the Cherokee Nation, and shall be and is hereby considered, and shall be removed as, an intruder."

It further appears that the said Hezekiah Bussey was married to Martha Downing, a citizen by blood of the Cherokee Nation, on May 23, 1898, but that said marriage was not entered into in accordance with the laws of the Cherokee Nation.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 495) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the name of Hezekiah Bussey was placed upon the 1896 Cherokee Census Roll without authority of law, and that the application for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.
[Signature]
Commissioner.
[Signature]
Commissioner.

Muskogee, Indian Territory,

JUL 16 1902

this _____

Maud Bussey
Vs
Hess Bussey

{ Judgement by default.
{ The following decision rendered.

Regular Term Circuit Court, Cooweescoowee Dist. Cherokee Nation
June 7th 1894.

Docket #16. Suit for divorce and alimony on abandonment.

This case coming up for a hearing and at the third calling of the case there being no answer on part of the defendant after having been duly summoned, and upon motion of the plaintiff for judgment by defendant, his nonappearance is taken as a confession of judgment.

Therefore it is adjudged by the Court, that the bonds of matrimony heretofore existing are dissolved and it is further decreed that defendant is entitled to the property sued for and an execution is ordered accordingly. And it is further adjudged under sec. 667, page 332 Compiled Laws of the Cherokee Nation of 1893, that defendant (Hess Bussey) has forfeited every right and privilege of citizenship of this Nation and is hereby declared to be a noncitizen thereof.

H. T. Landrum,
Circuit Judge, presiding.

Attest,

J. M. LaHay, Clerk,
Cooweescoowee Dist. C.N.

Executive Office Cherokee Nation,
Tahlequah I.T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the Circuit Court Record for civil cases of Cooweescoowee District Cherokee Nation, now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation, this the 5th day of March 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 730Muskogee, I. T., March 3, 1902.

J. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please examine the Circuit Court records of Cooweescoowee District and send us a certified copy of the decree of divorce granted to Maude Bussey against her husband, Ezekiah Bussey. This case is set for final hearing on the 6th inst., and I hope You will push it through and get this decree of divorce here as quick as possible.

Yours truly,

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF
ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. — C. D. 730

Muskogee, I. T., March 4, 1902.

J. W. Leach, Esq.,

Claremore, I. T.

Dear Sir :

Enclosed herewith find a notice, which please serve at once on Hezekiah Busse", and make out your return on one cop" and send to us at the earliest date possible, together with your bill for same.

Yours truly,

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED IN FILE NO. THE FOLLOWING

Cherokee D-730.

ALLISON L. AYIESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

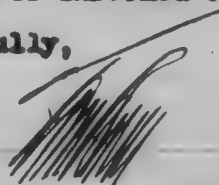
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Hasekiah Bussey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Inc. H-69.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 730.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Hasekiah Bassey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tamm Bixby
Acting Chairman.

Hezekiah Bussey.

Original testimony of 10/27/00

Memo. of Application of 10/27/00

Supplementary testimony of 10/27/00

Supplementary testimony of 11/8/00

Certified copy of divorce from
record of Cherokee Nation

Notice of final consideration, 9/8/02

Ch.

ad.

in

of

Receipt for testimony.

Proof of service of notice 3/02

Order closing testimony 3/02

Transferred to R-652

Cherokee Jacket No 502

Cher D 731

R.

Department of the Interior,
Commission to the Five Civilized Tribes.
Claremore, I. T. October 27, 1900.

In the matter of the application of Mattie Buster for the enrollment of Myrtle Patton as a Cherokee citizen; she being sworn ~~and examined~~ by Commissioner C. R. Brekinridge, and examined by the Commission, testified as follows:

- Q What is your name? A Mattie Buster.
Q How old are you? A 34.
Q What is your postoffice address? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q For whom do you desire to make application? A For Myrtle Patton.
Q How old is Myrtle Patton? A She's 13 years old.
Q What district does she live in? A Goowassasowee.
Q How long has she lived there? A All her life.
Q Has she been outside of the Cherokee Nation within the past three years? A No sir.
Q Has she ever been ~~outside~~ outside of the Cherokee Nation? A Yes sir.
Q Where was she? A Pawnee, Osage Nation.
Q How long did she remain in the Osage Nation? A About two months on a visit.
Q Simply there visiting? A Yes sir.
Q Has that been the only time she has been outside of the Cherokee Nation? A Yes sir.
Q With whom does she make her home? A Mrs. Fannie Manley.
Q Is Fannie Manley related to her in any way? A No sir.
Q Is Fannie Manley a Cherokee by blood? A No sir.
Q Are the father and mother of this child both dead? A Yes sir.
Q Is Mrs. Manley the guardian for this child? A Yes sir; I don't know whether she's got the papers or not; Myrtle's grandmother gave her to her.
Q What's the name of her father? A Patton.
Q Any given name? A I don't know it, I forgot it.
Q Was he a Cherokee by blood or white man? A No sir, he's a white man.
Q What is the name of this child's mother? A Maggie Patton.
Q She's living? A No sir, she's dead.
Q She's Cherokee by blood? A Yes sir.
Q What district did her mother live in? A Goowassasowee.
Q Was her mother born and raised in the Cherokee Nation? A Yes sir.
Q Did she always make it her home? A Yes sir.
Q How old would her mother be if she was living to-day? A About 27; I don't know exactly.
Q Do you know whether or not her mother was enrolled in 1880?
A I think so.
Q What was her name in 1880? A Maggie Quinton.
Q How long has she been dead? A Seven years; one year before the payment she died.
1880 roll; page 570, #1461, Maggie Quinton, Illinois Dist.
Q Did Maggie Quinton live in Illinois district in 1880? A Yes sir.
Q Where was this child born? A Right over here on Caney River.
Q In the Cherokee Nation? A Yes sir.
Q You don't know who enrolled this child in 1898? A No sir; I don't know her grandmother or her aunt did.
Q Who was she living with at that time? A She was living with her aunt, Annie Martin; she may be enrolled with her aunt.
Q Is this child's grandmother living? A No sir, she's dead.
Q When did she die? A She died two years ago.
Q What is her name? A Ellen McGinley.
Q What was this child's grandmother's name when she died? A She went by the name of Quinton.
Q In 1898 she went by the name of Quinton? A Yes sir.
Q Has this child a middle name? A No sir.

2- M.B.

Q Didn't they ever call her Eva? A I think her aunt did.

Q She was living with her aunt four years ago? A Yes sir, Annie Martin.

Q You say her aunt sometimes called her Eva? A I think she did I won't say for sure.

Q Are you sure this child is 15 years old? A I don't know, but I think that is the way I count it.

Q Has this child never lived in the Osage Nation? A She was there; she never lived there.

Q How long did she stay? A Did she stay two years? A No sir, she might have staid one year.

Q When was that? A Before 1896? A We were all there in 1896 on a visit.

Q And were in the Osage Nation in 1896? A We were here, but this child was there.

Q This child was there in 1896? A Yes, her aunt was there and she was with her.

J.L.Baugh, representative of the Cherokee Nation-

Q This child, or Maggie Quinton, ever claim to be Osage, or considered as Osage? A No sir.

Q What were they doing in the Osage country? A They were just out there with Annie Martin.

Q Who is Annie Martin? A This child's aunt.

Q And this child's aunt was in the Osage Nation as a citizen of the Osage Nation? A No sir, she is no citizen of that country at all; she don't claim it.

Q This child never claimed any rights up there at all? A No sir, not at all.

Q Who drew her money? A Her aunt drew it.

Q What aunt? A Annie Martin.

Q Annie Martin drew her money in 1894? A Yes sir.

Q Was she ever known by any other name besides Annie Martin? A Anna Lovett.

Q Was she ever known by any name besides Lovett? A Yes, Annie Carr.

redirect.

Commission-

Q Did she draw money for this child in 1894? A No sir.

Q Did her aunt draw money for her in 1894? A Yes sir.

Mattie Buster makes application for the enrollment of an orphan child; said child being in the custody of one Fannie Mauley, a non citizen of the Cherokee Nation. The name of this child is Myrtle Patton. She avers that it is the daughter of Maggie Patton, who appears upon the authenticated roll of 1880 as Maggie Quinton, a Native Cherokee. The Commission is unable to identify the said Myrtle Patton upon any of the tribal rolls in its possession. Attention is called to the name of Eva Patton, which appears on the 1896 Census roll of Geowasocowee district; page 234, 43823, five years of age. It is possible that this may be the Myrtle Patton for whom application is made, but the age is not agreeing with the age as given by Mattie Buster. This child will be listed for enrollment as a Cherokee by blood upon what is known as a doubtful card, and the guardian of said child will be required to bring personal evidence before this Commission to show that said Myrtle Patton is the legitimate descendant of Maggie Patton, nee Quinton, who appears upon the 1880 authenticated roll of the Cherokee Nation. This child has lived in the Cherokee Nation all its life, with the exception of a short time spent in the Osage Nation about the year 1896.

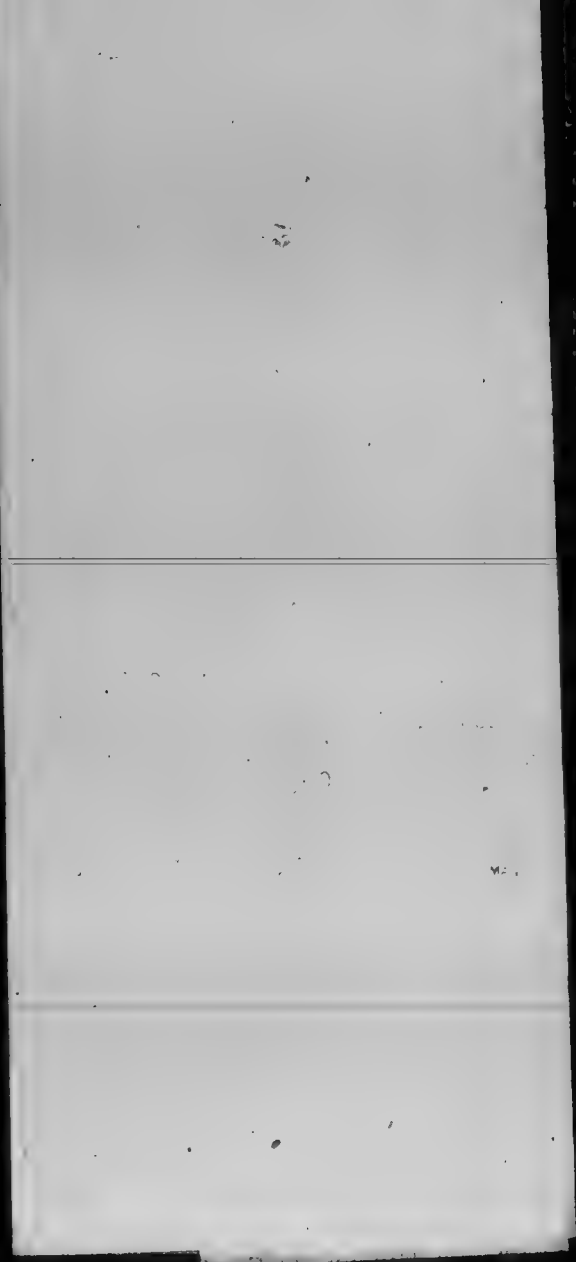
U. S. A.

W. H. McArthur, being duly sworn, states that a stenographer to the Commission of the Five Civilized Tribes, he reported to him all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. J. McArthur

Subscribed and sworn to before me this 22nd day of October, 1900.

M. J. [Signature]
Notary Public



Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T. November, 18th 1900.

In the matter of the application made on behalf of Myrtle Patton for enrollment as a Cherokee citizen. SUPPLEMENTAL- D-751
LUCINDA LANGLEY being sworn testified before the Commission as follows

Q What is your name? A. Lucinda Langley.
Q What is your age? A. 64.
Q What is your post office address? A. Oklahoma.
Q Do you know this child Myrtle Patton or Martin? A. Yes sir.
Q What was her mother's name? A. Marguerite Martin, —Quinton when she was a girl.
Q Was she a Cherokee by blood? A. Yes sir.
Q Is this her child? A. Yes sir.
Q Have you known this child all its life? A. Yes sir ever since it was a little over a year old.

1896 roll, page 334, No 3813, Eva Patton, Cooweehcoowee.

Upon further investigation the name of Eva Patton is found upon the census roll of 1896 according to the page and number of the roll as indicated by the testimony. Satisfactory proof is made and that said Eva Patton is fully identified as Myrtle Patton the applicant. Satisfactory proof is also made that the said Myrtle Patton is the child and lineal descendant of Maggie Quinton a Cherokee citizen by blood and the name of Maggie Quinton appears on the authenticated roll of 1896 according to the page and number of the roll as indicated by the testimony heretofore taken. The child is duly identified and will be listed for enrollment as a Cherokee citizen by blood. Her name is on card 751, but satisfactory evidence is given that she should be enrolled on a straight card.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 13th of November, 1900.

Chas. von Weise
[Signature]
Commissioner.

8870

Cherokee D - 731.

Department of the Interior,
Commission to the Five Civilized Tribes,

In the matter of the application of Myrtle Patton for enrollment as a citizen of the Cherokee Nation.

On the 27th day of October, 1906, Mattie Buxter appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Myrtle Patton as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Myrtle Patton was placed upon a doubtful card, awaiting identification upon the 1896 census roll, and awaiting proof that she is the descendant of a person whose name appears upon the 1880 authenticated tribal roll of the Cherokee Nation.

Further evidence has been submitted and the following decision is rendered:

D E C I S I O N .

From the evidence of record in this case it appears that Myrtle Patton is thirteen years old; that she is identified on the 1896 census roll as Eva Patton; and that she is the descendant of Maggie Patton whose name appears upon the 1880 authenticated tribal roll of the Cherokee Nation as Maggie Quinlan. It further appears that her deceased mother was a Cherokee by blood and resided in the Cherokee Nation all her life. The child, Myrtle, has resided in the Cherokee Nation all her life.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1906 (34 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their

-2-

Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted, and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

In view of the facts and the law in this case it is considered that Myrtle Patten, being the descendant of a person whose name appears upon the 1880 authenticated tribal roll of the Cherokee Nation, is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

Two handwritten signatures are present, each written over a horizontal line. The first signature is more stylized and cursive, while the second signature is more legible and appears to read 'C. H. Thompson'.

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONERS
HARRY L. DAWES
JAMES BIRBY
THOMAS H. NERDIE
W. H. BRACKENRIDGE

ALFRED L. AYLENWORTH
CLERK

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D - 731.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Myrtle Patton for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Enc. D-731.

A Original testimony of 1/2
B Memo. of Application of 1/2
C Supplementary testimony of 1/2

Copy of the original testimony
of the witness called
for the purpose of
the trial

Sept 26, 1907 (cancelled and
tra. No 963)

E. J. [unclear]

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLAREMORE, I.T., OCTOBER 27th, 1900.

IN THE MATTER OF THE APPLICATION OF May P. Chambers for the enrollment of herself and child as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your name? A May P. Chambers.
Q How old are you? A Twenty three years old.
Q What is your Postoffice? A Fryer Creek.
Q In what district do you live? A Yes sir.
Q Who is it you want to have put on the rolls? A Just myself and one child.
Q Are you a Cherokee or a white woman? A White woman.
Q When were you married? A July 25th, 1894.
Q Have you a certificate of your marriage?
A Mr. Walkingsick has just gone after it.
Q To whom were you married then? A Charles P. Chambers.
Q Is he a Cherokee? A Yes sir.
Q Is he living now? A Yes sir.
Q Was he ever married except to you? A No sir.
Q Were you ever married except to him? A No sir.
Q Have you separated? A Yes sir.
Q When did you separate from him? A October 8th, 1899.
Q Did you get a divorce from him? A No sir; I never have.
Q Did you leave him, or did he leave you? A I left him.
Q Did he compell you to leave him? A I could not get along with him.
Q Do you wish to make any statement in regard to the circumstances of your leaving him? A No response.
Q Was your husband cruel to you? A Yes sir.
Q Was he abusive in his speech? A Yes sir.
Q Did you always deport yourself in a respectful and proper manner towards him? A Yes sir.
Q Have you ever applied for a divorce from him? A No sir.
Q Why not? A I do not know. I did not think anything about it; I went home to stay; and did not care anything about it; He said he was going to apply for a divorce.
Q Have you refrained from applying for a divorce because you thought there might be a reconciliation between you? A No sir.
Q Is there any one here who knows in a general way that his conduct was unkind and unreasonable to you? A Yes sir; my sister in law.

Nannie E. Chambers, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Nannie C. Chambers.
Q How old are you? A Thirty eight.
Q What is your Postoffice? A Claremore.
Q Do you know this lady here, Mrs. May P. Chambers? A I do.
Q Is your husband a brother of her husband? A Yes sir.
Q She is not living with her husband at this time? A No sir.
Q Do you consider that she was compelled to leave him, because of unkind and unreasonable conduct in his bearing? A I have heard him say some very abusive things to him here; He has spoken very ill of her in my presence.
Q You have known her during her married life, have you? A Yes sir.
Q Has she deported herself with dignity and kindness in her marriage relations? A She always has in my presence.
Q Have you any reason to believe that she was ever unreasonable, or provoked her husband to outbreaks of temper? A No sir., I have none at all.

Applicant recalled :

- Q Has your husband lived in the Cherokee Nation all his life?
A Yes sir .

- Q He is a native of the Cherokee Nation, is he? A Yes sir.
Q Give me the name of this child? A Teecey Chambers.
Q How old is that child? A Sixteen months old.
Q Have you a certificate there? A Yes sir.
Q How old is your husband now? A I do not know how old he is;
about twenty nine I guess; I would not be sure.
(1880 Roll, Page 88, #732, Pickens Chambers, Geo. District)
(1896 Roll, Page 287, #355, Pickens Chambers, Geo. District)
(1896 Roll, Page 288, #312, May Chambers, Geo. District)

The applicant files an official copy of the records of Geewee-see-see District, showing that she was married to her husband, as stated by her, on the 20th day of July, 1894. This is filed herewith.

- Q Your maiden name was Brown? A Yes sir.

The applicant applies for the enrollment of herself and one child: She is shown to have married her husband in July, 1894: They lived together in the Cherokee Nation until, as she states, she was compelled to separate herself from him, on account of his violent and unreasonable conduct, in October of last year, since which time they have lived apart, but have not been divorced. She states that neither he nor she were previously married: He is identified on the rolls of 1880 and 1896, as a native Cherokee, and is said to have lived in the Cherokee Nation all his life: She is identified on the roll of 1896: Reference is made in connection with this case to Section 667, of the laws of the Cherokee Nation, Nation of 1892.

It is not believed from the circumstances of this case that this is a case of abandonment, such as is contemplated by the law, but in order that the case may receive the decision of the full Commission, it will for the present be placed on a doubtful card, the applicant being listed as a Cherokee by adoption.

When she presents a certificate of the birth of her child, Teecey Chambers, this child will be listed for enrollment as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. R. Cravens

Subscribed and sworn to before me this
twenty seventh day of October, 1900.

[Signature]

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 31 1900

ACTING SECRETARY.

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D. 752.

Department of the Interior, 100
Commission to the Five Civilized Tribes,
Claremore, I.T., October 21, 1900.

In the matter of the application of May F. Chambers for enrollment as a Cherokee citizen.

Additional testimony.

Charles Pickens Chambers, appearing before the Commission and being sworn and examined, testified as follows:

Q What is your name? A Charles Pickens Chambers.

Q What is your age? A 39.

Q What is your post office address? A Claremore.

Mr. J.L. Baugh, representative of Cherokee Nation: Mr. Chambers, are you acquainted with one May F. Chambers? A Yes, sir.

Q What relation has she borne to you? A She is my wife.

Q Are you and she separated now? A Yes, sir.

Q How long have you been separated? A Something over a year.

Q Did she abandon you, leave your place? A Yes, sir.

Q Are you living now at the place where you and her were living together at that time? A Yes, sir.

Q Did you always conduct yourself and deport yourself towards her as a husband would; treat her good I mean, didn't mistreat her?

A I don't know that I did.

Q What was the cause of her leaving you? A Through jealousy I guess, that is all the way I could figure it out; she thought I was living a little too fast or something; it was supposition on her part.

Q She says in her statement that you mistreated her, is that a fact? A No, sir, I don't know as I did.

Q She left on her own account then, for no cause on her part? A I reckon she did.

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Charles Pickens Chambers, being recalled, testified as follows: Mr. Baugh: Mr. Chambers, in your statement a while ago you said you didn't think you had ever mistreated your wife, or said you didn't mistreat her, and she left on her own account. Do you wish to withdraw your statement now? A Yes, sir, since I come to think of it.

Q Make a statement there of what you could have done at times.

A I want to state this, that I might have done something when I was drunk, for I am a holy terror when I am drinking, and when a fellow is drunk he don't know what he does.

Q And you might have mistreated your wife when drunk? A Yes, sir, that is what I want to correct it about.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 21st of October, 1900.

C. M. ...

Commissioner.

St. John's, N. B.

THE UNIVERSITY OF CHICAGO

FILED
MAR 1 1902

ALVIN CHAMBERLAIN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL IN the matter of the enrollment of MAY F. CHAMBERS
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 8th day of March, 1902, appears in person.

Mr. J. C. Starr, Cherokee Representative, present.

MAY F. CHAMBERS, being duly sworn, testified as follows
in her own behalf:

COMMISSION:

- Q What is your name? A May F. Chambers.
Q How old are you? A 25.
Q What is your post office address? A Pryor Creek.
Q Were you an applicant before the Commission as a citizen of the Cherokee Nation? A I am.
Q Is there any statement that you desire to make relative to your enrollment? A No, sir, nothing only what has been put in.
Q Do you submit the case to the commission for final consideration?
A Yes, sir.
Q Have you married since the separation from your husband in 1899?
A No, sir.

Commission: The applicant then and the representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case on above day, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen
Stenographer.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of May F. Chambers as a citizen by intermarriage of the Cherokee Nation.

DECISION.

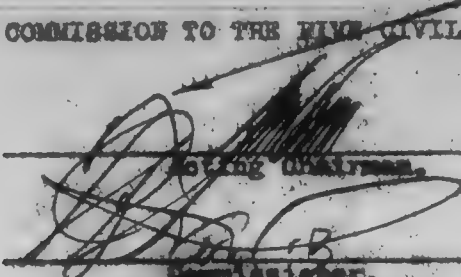

The record in this case shows that on October 27, 1900 May F. Chambers appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. The application included her minor child, but as it is differently classified, it is not embraced in this decision. Further proceedings in the matter of said application were had at Claremore, Indian Territory on October 31, 1900, and at Muskogee, Indian Territory, on March 8, 1902.

The evidence shows that the said May F. Chambers was lawfully married on June 24, 1894 to Charles P. Chambers, a citizen by blood of the Cherokee Nation. The evidence further shows that she resided with her husband in the Cherokee Nation from the date of her marriage to him until October 5, 1899, when she left him. It appears that the separation was caused by the conduct of the said Charles P. Chambers and not through any fault of the applicant herein. The said May F. Chambers is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said May F. Chambers was a resident of the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that May F. Chambers should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Muskogee, Indian Territory,
this AUG 18 1902

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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of May F. Chambers for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-732.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

MAY F. CHAMBERS, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. May F. Chambers.
Q. What is your age at this time? A. 24 years old.
Q. What is your post office? A. Prior Creek.
Q. Are you the same May F. Chambers for whom application was made to this Commission for enrollment as an intermarried citizen on October 27th, 1900? A. Yes, sir.
Q. What is your husband's name? A. Dick Chambers.
Q. Is he living? A. Yes, sir.
Q. When were you and he married? A. July 24th, 1894.
Q. Is he a citizen by blood? A. Yes, sir.
Q. Have you and he lived together as husband and wife ever since your marriage up to the present time? A. No, sir.
Q. Have you been separated since you were married? A. Yes, sir.
Q. Are you separated now? A. Yes, sir.
Q. When did you separate the first time? A. October, 3 years ago.
Q. Where were you living when you separated? A. Claremore.
Q. Were you living in the town or in the country? A. In town.
Q. Did he leave you or you leave him? A. No, sir; I left him.
Q. What was the cause of you leaving? A. Just couldn't get along; that's all. Mistreatment.
Q. How did he mistreat you? A. In every way, I think, that could be imagined.
Q. Were you and he separated when you made the original application to the Commission? A. Yes, sir.
Q. Have you and he been divorced? A. No, sir.
Q. You have never applied for a divorce? A. No, sir.
Q. You have never married since you were married to him? A. No, sir.
Q. Still his wife on the first of September, 1902? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. 7 years, I have lived in the Cherokee Nation.
Q. Lived here ever since your marriage to your husband, have you? A. Yes, sir.
Q. You have no children? A. I have one.
Q. What is the name of your child? A. Teasy Chambers.
Q. How old is that child? A. It is 3 years old.
Q. Have you got him or your husband? A. I have him.
Q. Have you made application for his enrollment? A. Oh, yes.
All I was for was to know whether I had been married the second time or not.

James O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October, 1908.

James O. Carr
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-732.

In the matter of the application for the enrollment of
May F. Chambers as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--:--

The record in this case shows that on October 27, 1900, May F. Chambers appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. The application included her minor child, but, as it is differently classified, it is not embraced in this decision. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on October 31, 1900, and at Muskogee, Indian Territory, on March 8, 1902, and on October 1, 1902.

The evidence shows that the said May F. Chambers was lawfully married on June 24, 1894, to Charles P. Chambers, a citizen by blood of the Cherokee Nation. The evidence further shows that she resided with her husband in the Cherokee Nation from the date of her marriage to him until October 5, 1899, when she left him. It appears that the separation was caused by the conduct of the said Charles P. Chambers, and not through any fault of the applicant herein. The said May F. Chambers is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said May F. Chambers has lived in the Cherokee Nation from her marriage, on June 24, 1894, to Charles P. Chambers, continuously, and had not been divorced or remarried since their separation, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that May F. Chambers should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Sam S. Kirby

Acting Chairman.

J. B. Needles

Commissioner.

J. B. Needles

Commissioner.

Dated at Muskogee, Indian Territory,

this

NOV 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 732.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Mary F. Chambers for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,



Acting Chairman.

Enc. C. No. 3.

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-732.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of May F. Chambers for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

May F Chambers

A Original testimony of 10/27/00

B Memo. of Application of 10/27/00

C Supplementary testimony of 10/31/00

D Notice of final consideration, 3/8/02

E Sub test & order placing test 3/8/02

W

W. J. GARDEN

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DEPART' MT

COMMISSION

6-1-1954

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Department of the Interior.
Commission to the Five Civilized Tribes.
Oklahoma, I. T., October 29, 1900.

In the matter of the application of Sarah Pation for the enrollment of herself, husband and one child as Cherokee citizens: she being sworn by Commissioner C. R. Breckinridge, and examined by the Commission, testified as follows:

- Q What is your name? A Sarah Pation.
Q What is your age? A 21.
Q What is your postoffice address? A Zena.
Q Do you make application for enrollment as a Cherokee citizen by blood? A Yes sir.
Q For whom do you make application? A Myself, husband and one child.
Q What district are you living in? A Delaware district.
Q How long have you lived in the Cherokee Nation? A All my life; born and raised here.
Q Have you been outside of the Cherokee Nation any time during the past three years? A No sir.
Q What degree of Cherokee blood do you claim? A 1/8.
Q What is the name of your father? A Bob Marion.
Q Is he living or dead? A He's dead.
Q Is he a Cherokee or white man? A White man.
Q What is the name of your mother? A Emily Stone.
Q Is she a Cherokee by blood? A Yes sir.
Q Is she living? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A William Pation.
Q Is your husband living? A Yes sir.
Q Is he a Cherokee by blood? A No sir, he's a white man.
Q How old is your husband? A About 29, or 30.
Q How long has he lived in the Cherokee Nation? A 12 years.
Q What is the name of his father? A John Pation.
Q Is John Pation living or dead? A He's dead.
Q What is the name of your husband's mother? A Sarah.
Q Is she living or dead? A Yes, she's living.
Q Was your husband's parents ever recognized as citizens of the Cherokee Nation? A No sir.
Q When were you married? A Three years in March.
Q Where were you living at the time of your marriage? A Delaware district.
Q Were you married in accordance with the laws and customs of the Cherokee Nation? A No sir.
Q Have you any evidence of your marriage? A No sir; never did get them.
Q Who married you? A I forget the fellow's name.
Q Was he a minister of the Gospel? A Yes sir.
Q Did you secure your marriage license from the Clerk of the United States Court? A No sir; he said if we would send him \$1.00 he would send us the marriage certificate.
Q What was the name of the child for whom you desire to make application? A Minnie May Pation.
Q How old is this child? A 18 months old.
Q Is it alive and living with you at the present time? A Yes sir.
Q You the mother of this child? A Yes sir.
Q William Pation the father of this child? A Yes sir.
Q Were you ever married before? A No sir.
Q Was he ever married before? A No sir.
Q What was your name in 1880? A Marion.
Q What district were you living in at that time? A Delaware.
Q Were you ever known by any other name than Sarah? A Sarah Orr Marion.
Q What was the name of your mother in 1880? A Elisabeth Emily Marion.

Witness, Elizabeth E. Stone, being sworn, examined by the Commission, testified as follows:

- Q What is your name? A Elizabeth E Stone.
 Q How old are you? A I think I was born in '52.
 Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
 Q What is your postoffice? A Fryer Creek.
 Q Is the applicant here, Sarah Nation, your daughter? A Yes sir.
 She presents a certificate of admission from the Executive Department at Tahlequah on the 15th day of September, 1886, showing that various persons were admitted to citizenship. Among these names appears the name of one Elizabeth E. Marion, nee McAlister.
 Q Is the Elizabeth E. Marion, who is mentioned in this document, yourself? A Yes sir.
 Q Was this child admitted at the time you were admitted to Cherokee citizenship? A No sir; she wasn't born then.
 Q When was your daughter born? A I couldn't tell what year she was born.
 Q How old do you think she is? A I don't think she is — about 19 years old. I never did set their ages down.

The applicant presents a certified copy of a certificate of admission from the Executive Department at Tahlequah, dated on the 15th day of September, 1886, admitting her mother, then Elizabeth E. Marion and various children to citizenship in the Cherokee Nation. The document is signed by Beach Young, President; W. Harnage and S.W. Hayes, Assistant Commissioners; and J.B. Hayes, clerk of the Commission. The name of the applicant does not appear in said document. These papers are herewith returned.

Commission to applicant—

- Q What district were you living in in 1886? A Delaware District.

Commission to witness; Elizabeth E. Stone further testifies.

- Q Did you have a son Jake J. Muskrat? A Yes sir.
 Q Where was he enrolled? A In Tahlequah Dist.
 Q What was your name in 1886? A Muskrat.
 Q Was the applicant living with you at that time? A Yes sir.
 1894 roll; page 1141, #3779, Sarah Marion, Tahlequah District.
 Commission— The papers heretofore returned to the applicant will be filed by the Commission.

V. W. Hastings, representative of the Cherokee Nation to Elizabeth E. Stone, witness, who testifies as follows:

- Q What do you say your name is? A Elizabeth E. Stone.
 Q What is the name of your father? A Peter McAlister.
 Q Is he a Cherokee by blood? A No, he's a white man.
 Q What is the name of your mother? A Rebecca Ralston.
 Q Is she Louis Ralston's sister? A Yes sir.

Commission—

The applicant applies for the enrollment of herself, her husband and one child. She presents a certified copy of the certificate of admission showing that her mother was admitted to citizenship in the Cherokee Nation in 1886 under the name of Elizabeth E. Marion. The name of the applicant is not mentioned in the said certificate of admission. The Commission is unable to identify the applicant as being upon the Census roll of 1886; however, she is identified on the strip payment roll of 1886, together with her mother. For the reason that she is not identified on the Census roll of 1886, and for the further reason that her name does not appear in the certificate of admission, although she appears to be old enough to have been living at that time. She will be placed upon what is known as a doubtful card for further consideration of the Commission. She will be listed thereon as a Cherokee by blood. Her child is not identified on the Census roll of 1886, having been born since said roll was compiled. This child will also be placed with its

mother as a consensual union, and when she presents satisfactory proof as to its birth in the form of affidavit, this child will be listed for enrollment on a Cherokee by blood. As for the application which she makes on behalf of her husband, she presents no satisfactory proof as to her marriage to him and swears that he is a white man, and that they were married somewhere years ago in March, the 1st, under the Cherokee law of laws regulating marriage of white people with citizens to acquire property rights in the Cherokee Nation. His application, therefore, for enrollment as a Cherokee citizen by intermarriage is rejected, and she will be required to file with the Commission either the original or a certified copy of the license and certificate authorizing her marriage to said William Feltz.

J. C. Rothensberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

J. C. Rothensberger

Subscribed and sworn to before me this 10th day of September, 1904.

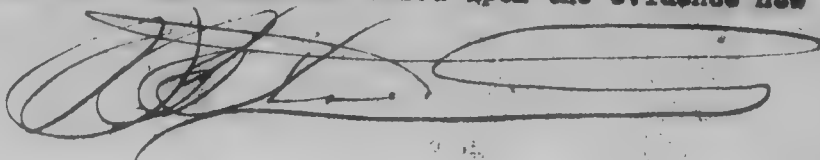
W. D. Ence
Notary Public.

Supl.-C.D.#733.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH PATION as
a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney, and an opportunity would be given her to introduce any additional testimony affecting her application. She was especially requested to supply the Commission with a certificate of the readmission of her mother, Elizabeth E. Marion to citizenship in the Cherokee Nation. Receipt has been acknowledged of Commission's letter and the applicant having this day, to-wit: the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

Cherokee D 733.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah O. Patien for the enrollment of herself and her minor child, Minnie Patien, as citizens by blood of the Cherokee Nation.

-: D E C I S I O N :-

The record herein shows that on October 29, 1900, Sarah O. Patien appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of herself and her minor child, Minnie M. Patien, as citizens by blood of the Cherokee Nation. The application also included her husband, William Patien, but he is differently classified and not embraced in this decision.

The evidence shows that the applicant, Sarah O. Patien, is the daughter of Elizabeth E. Stone, who was admitted to citizenship, under the name of Elizabeth E. Marion, in the Cherokee Nation, by the duly constituted authorities of said Nation, on September 15, 1880; that said Sarah O. Patien was born since the admission of her mother to citizenship as above set forth; and that Minnie M. Patien was born since 1896 and is the minor child of Sarah O. Patien.

It further appears that Sarah O. Patien is identified by the name of Sarah Marion on the 1894 Cherokee strip payment roll, and her said minor child is identified by a birth affidavit made a part of the record herein.

The evidence further shows that said Sarah O. Patien has resided in the Cherokee Nation all her life and her said minor child is considered to have resided with her since its birth.

It is, therefore, the opinion of this commission that Sarah C. Patton and Minnie E. Patton should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 20, 1898 (30 Stat., 475), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHIEF.

Tamm Dixby

CHIEF.

SIGNED.

T. B. Needles

Commissioner.

SIGNED.

C. R. Breckinridge

Commissioner.

SIGNED.

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,
this 21 6194

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1027
REFER IN REPLY TO THE FOLLOWING

Cherokee D 733.

ALLISON J. AYLESWORTH,
SECRETARY

(62)
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

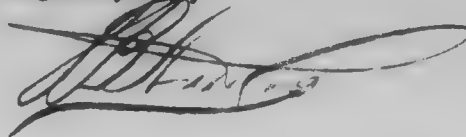
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Sarah O. Pation for the enrollment of herself and her minor child, Minnie M. Pation, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Enc. D-25.

Sarah Patton

et al

Original testimony of 1/29/02

Memorandum of Application of 1/29/02

Birth certificate of Annie M. Patton

Notice of fiducial consideration, 3/8/02

Order closing testimony, 3/8/02

Transferred to Cherokee case
No 10370

Copies of the above

are in the file

of the case

of the case

Jan. 25, 1904. Doc 10 & transferred

to above. No 10370.

(C. H. D.)

See Cherokee Jacket R 341

2441

Cherokee - Co

Cher D 734

Doubtful as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 29, 1900.

In the matter of the application of Francis M. Boothe for the enrollment of himself, wife and children as Cherokee citizens; being sworn by Commissioner Brackinridge, and examined by the Commission, he testified as follows:

Q What is your name? A Francis M. Boothe.
Q How old are you? A 36
Q What is your post-office address? A Wagoner.
Q Do you make application for enrollment as a Cherokee citizen by blood? A No, by adoption.
Q For whom do you make application? A Myself, wife and three children.
Q What district are you living in? A Cooweescoowee.
Q How long have you resided in the Cherokee Nation? A Ever since 1885
Q Have you made your home continuously in the Cherokee Nation since that time? A Yes sir.
Q Have you been out of the Cherokee Nation within the past 3 years for any purpose? A No sir.
Q What is the name of your father? A Alex Boothe.
Q Is he living or dead? A He is living.
Q Is he a Cherokee or a white man? A White man.
Q What is the name of your mother? A Georgea Boothe.
Q Is she living or dead? A She is living.
Q Is she a Cherokee or a white woman? A White woman.
Q Did your parents ever claim to be citizens of the Cherokee Nation? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Rebecca A. Boothe.
Q Is your wife living? A Yes sir.
Q How old is she? A She is 34
Q Is she a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood does she claim? A One-eighth
Q How long has she lived in the Cherokee Nation? A Ever since 1885
Q Has she been outside the Cherokee Nation at any time within the past three years? A No sir.
Q What is the name of her father? A Richard Keys.
Q Is he living or dead? A Dead.
Q Is he a Cherokee by blood? A Yes sir.
Q What is the name of your wife's mother? A Mary Keys.
Q Is she living? A No sir, she is dead.
Q Was she a Cherokee by blood? A No sir, she was a white woman.
Q When were you married? A I was married back in the states in 1884 and then was re-married under the Cherokee laws in 1889 I believe it was.
Q Were you ever married previous to your marriage to your present wife? A No sir.
Q Was she ever married? A No sir.
Q Have you resided here continuously since your marriage? A Yes sir.
Q Have you ever been recognized by the Tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A Yes sir.
Q When was that? A When I was remarried to this woman.
Q Was your wife admitted to citizenship in the Cherokee Nation by an act of the Cherokee Council? A By a Commission, yes sir.
Q Have you any evidence of that fact with you? A That's all the evidence I have. (Produces papers)
Commissioner: The applicant presents a certificate of admission issued by the Commission on Citizenship, Tahlequah, Cherokee Nation, on the 1st day of April 1887, signed by J. F. Adair, Chairman of the

Commission on Citizenship, Henry Biffert, Clerk of the Commission on Citizenship; approved and indorsed by D. W. Bushyhead, Principal Chief of the Cherokee Nation. Document bears the seal of the Cherokee Nation. The certificate admits to Cherokee citizenship in the Cherokee Nation one R. A. Booth, aged at that time 38 years; is the R. A. Booth mentioned in this document your wife? A Yes sir Commission: The applicant also presents a Cherokee marriage license authorizing marriage of F. M. Boothe a citizen of the United States and Miss R. A. Booth, a citizen of the Cherokee Nation, issued on the 12th day of August 1889, signed by ALLEN ROSS, Clerk of Tahlequah District, Cherokee Nation. The marriage license is indorsed on the back as follows: "The within license has been recorded in the Clerk's office at Tahlequah District Cherokee Nation Indian Territory. Allen Ross, Clerk Tahlequah District Cherokee Nation."

Q Have you any marriage certificate showing that this marriage was performed? A Yes sir. (Produces papers)

Commission: In answer to the question just asked, the applicant presents a marriage license authorizing the rights of matrimony between F. M. Boothe and R. A. Keys, issued on the 26th day of December 1884 by John D. Talley, Judge of the Probate Court, Jackson County, State of Alabama, and a certificate showing that the above parties were married on the 28th day of December 1884, by Rev J. B. Petersen; this document and the one previously cited are hereby filed.

Q You just stated that you were informed by the clerk of Tahlequah District that it would not be necessary for you to be re-married under the laws of the Cherokee Nation, and that you simply got out a license, and were not remarried under the Cherokee law? A We got the signers and complied with the Cherokee laws in full and I presented this certificate you just now read and he said we was already married, and he would issue the license, as we had already complied with the laws, and he recorded them.

Q After you secured this license you did not go before a minister of the Gospel or any other person authorized to celebrate the rights of matrimony in order to be married in accordance with that Cherokee license did you? A Under his instructions he told me it wasn't necessary; that we was already married; that he would issue this license; we got these signers, as the laws required that they was necessary in order to adopt the white man to citizenship here he said he was authorized to join in matrimony himself, but he said it wasn't necessary.

Q You were never remarried under Cherokee laws, you simply secured a license? A No sir, just license; we was already joined in matrimony and I showed my certificate to that effect and we presented ourselves for the remarriage but he said it wasn't necessary

Q Give me the names and ages of the children for whom you now desire to make application? A Frances L. Boothe

Q How old is that child? A 9 years old.

Q What is the name of the next child? A Grover G. Boothe.

Q How old is that child? A He is 6 I believe.

Q What is the name of the next child? A Francis M. Jr.

Q How old is that child? A He is 3 years old.

Q That's all of your children? A That's all.

Q Are these children all alive and living with you at the present time? A Yes sir.

Q You are the father of the children? A Yes sir.

Q Your wife is their mother? A Yes sir.

Q In what district were you living in 1896? A I was living in this district, I suppose; - yes, I was living in this district, 1896 roll page 294-295 Frances M. Booth Coowasee co, intermarried with 1896 roll page 105-106 Rebecca A. Booth Native Cher; Coowasee coowee; 1896 roll page 105-106 Frances L. Booth Coowasee coowee; 1896 roll page 105-106 Grover G. Boothe

Q Did your wife make application to the Commission to the Five Civilized Tribes in 1896 for the purpose of being enrolled as a

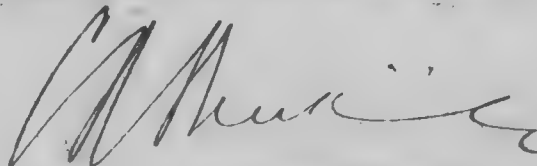
citizen of the Cherokee Nation? A 1897; I taken that document out and sent it to the commission, and when they started around taking this census I sent for it.

The Commission: The applicant applies for the enrollment of himself, his wife and three children; he is identified on the 1896 census roll as an adopted white; he removed to the Cherokee Nation in the year 1885, and has made this his home continuously since that time; he presents a marriage license and certificate, showing that he and one R. A. Keys were married in accordance with the laws of the State of Alabama on the 26th day of December 1884; he also produces a Cherokee marriage license, authorizing his marriage to R.A. Booth, issued on the 12th day of August 1889; this license was duly recorded by the clerk of Tahlequah District Cherokee Nation; it appears that he was never really re-married in accordance with the laws and customs of the Cherokee Nation, that he secured his license from the clerk of Tahlequah District in 1889 and was informed by the clerk of said district, that in so doing he had complied in all respects with the laws and customs of the Cherokee Nation and that it would not be necessary for him to be re-married either by a minister of the Gospel or any legally authorized person; for the reason that he was not re-married in accordance with the law and customs of the Cherokee Nation he will be placed upon what is known as a doubtful card, for the further consideration of the commission, and when the final decision in his case is rendered he will be notified in writing at his present post-office address.

As to the application which he makes in behalf of his wife, Rebecca A.: He presents a certificate issued by the Commission on citizenship, admitting one R. A. Booth to citizenship in the Cherokee Nation on the 1st day of April, 1887; he avers that said R.A. Booth is his present wife; she is identified on the census roll of 1896 as a native Cherokee; she has made her home continuously in the Cherokee Nation since the year 1885, and will be enrolled by the commission as a Cherokee by blood; his two oldest children are identified upon the census roll of 1896, together with their mother, and satisfactory proof as to their residence having been given, they will be also be listed for enrollment by this commission as Cherokees by blood; when he filed satisfactory proof as to the birth of his youngest child, in the form of affidavits, this child also will be listed for enrollment as a Cherokee by blood.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29 day of Oct. 1900.



Commissioner.

motion.

Committee on and one copy with the representative of the Cherokee
of each day in which he is reported in this case, one copy with the
The attorney for the abject redneck and will be granted

That decision passed upon the evidence now of record.

now deemed completed and some of the Committee on for
of the Cherokee "and on the 1st of March, 1903, the case is submitted. If in
William Jackson, of Wagoner Indian Territory, and the representative-
this day ceased, and the abject redneck being represented by his attorney
must continue until the 1st day of March, 1903. The same being
and date, to-wit: the 8th day of March, 1903, the case was by virtue
Record has been acknowledged of the Committee on, a letter, and on
of the office in Muskogee, and on the 8th day of March, 1903.
then would be taken up by the Committee on for final consideration
citizen of the Cherokee nation would be taken up for final consideration
1903, that his attorney on the 1st of March, 1903, the case was by virtue
The abject redneck was notified by registered letter February 18,

R.

C. D-734.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 14, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Francis M. Booth for the enrollment of himself as a citizen of the Cherokee nation.

Appearances:

William Jackson, Attorney for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee nation would be taken up for final consideration would be taken up by the Commission for final consideration at its offices in Muskegee, I. T., on the 8th day of March, 1902. Receipt has been acknowledged of the commission's letter, and on said date, to-wit: the 8th day of March, 1902, the case was by agreement continued until the 14th day of March, 1902. The same being this day called, and the applicant being represented by his attorney William Jackson, of Wagoner, Indian Territory, and the representative of the Cherokee nation present, the case is submitted. It is now deemed completed and same will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted twenty days in which to file brief in this case, one copy with the Commission and one copy with the representative of the Cherokee nation.

I, Wm. Hutchinsan, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinsan

MARRIAGE LICENSE.

STATE OF ALABAMA, JACKSON CO.

To any Licensed Minister of the Gospel, Judge of the Supreme Court, Circuit or City Courts or Chancellor of said state, Judge of Probate or any Justice of the Peace in said County-- Greeting:

You are hereby authorized to celebrate the Rites of Matrimony between F. M. Boothe and R. A. Keys and this shall be sufficient authority for so doing.

(SEAL) Given under my hand and seal this 26th day of December 1884.

John B. Tally (L.S.)
Judge of Probate.

The above named parties were married by me at Dick Key's on the 28th day of Dec. 1884.

Rev. J. B. Peterson.

FIFTY DOLLARS FINE FOR FAILING TO RETURN THIS LICENSE.

THE STATE OF ALABAMA.

JACKSON COUNTY.

I, John B. Tally, Judge of Probate for said county hereby certify that the foregoing is a literal exemplification of a marriage license issued to F. M. Boothe and R. A. Keys as shown by the record thereof in my office.

(SEAL) Given under my hand and seal of office at office in Scottsboro, Alabama this the 30th day of April 1886.
John B. Tally,
Judge of Probate.

I the undersigned stenographer to the Commission to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Francis M. Boothe as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,

May 27, 1902.

W. J. Langman

MARRIAGE LICENSE.

CHEROKEE NATION, I.T.
Tahlequah District.

To Any Person Legally Authorized to Solemnize Marriage--Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage between Mr. F. M. Boothe a citizen of the United States and Miss R. A. Boothe a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this license to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

(SEAL) Given under my hand and Seal of Office this the 12th day of August A. D. 1889.

Allen Ross
Clerk Tahlequah District.

The within License has been recorded in the Clerk's Office of

Tahlequah District Cherokee Nation, Ind Ter .

Allen Ross, Clerk T. Dist.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Francis M. Boothe as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,
May 27, 1902.

W. S. Kaufman

4th day of April 1901.
Given under my hand and the seal of the Cherokee Nation this 4th

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

RECEIVED
FEB 19 1902
Cherokee Nation.
Executive Secretary.

F.M. Beeth a citizen of the U.S. and Mrs. R.A. Beeth a Cherokee
have complied with the law in relation to intermarriage.

August 12 1889.

Allen Ross, Clerk T.D. C.N.

Executive Office Cherokee Nation,

Tahlequah Ind. Ter.

I, B.W. Alberty, assistant Executive secretary of
the Cherokee Nation do hereby certify that the foregoing is a true
copy taken from the marriage record of Tahlequah District, Cherokee
Nation, and all that said record shows with reference to said
Marriage; that said marriage record has been filed in this office
and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the
1st day of April 1901. :

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Francis M. Boothe as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 29, 1900, Francis M. Boothe appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had in Muskogee, Indian Territory on March 14, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Francis M. Boothe was lawfully married under the laws of the state of Alabama on December 28, 1884 to Rebecca A. Boothe, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on April 1, 1887.

It further appears that on August 12, 1889 a marriage license was issued by the Cherokee authorities, authorizing the marriage of the said Francis M. Boothe and his wife, Rebecca A. Boothe. It appears that no formal ceremony was pronounced between the parties to this license, but the records of the Cherokee Nation show that the said Francis M. Boothe had complied with the law in relation to intermarriage on August 12, 1889.

The said Francis M. Boothe is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Francis A. Boothe has resided continuously in the Cherokee Nation since 1885, and that he was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Francis M. Boothe should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Waskago, I. T., October 27, 1902.

In the matter of the application of Francis M. Booth for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis M. Boothe.
Q How old are you, Mr. Boothe? A I am thirty-eight.
Q What is your postoffice? A Wagoner.
Q Are you an applicant for enrollment as an intermarried citizen?
A Yes sir.
Q What is your wife's name? A Rebecca A. Boothe.
Q Is she living? A Yes sir.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you married to your wife, Rebecca A.? A I was
first married in '84.
Q Where were you married to her in '84? A In Alabama.
Q How long after your marriage did you come here? A We came here
in '85.
Q Were you married to your wife again after you came here? A After
we came here we took out a license in '89; went before Allen Ross
at Tahlequah, Clerk of that District.
Q He issued the license? A He said it was a regular license; we
were both present at the time.
Q You took out a Cherokee license? A Yes sir, I have it here.
Q Did you file it with the Commission? A Yes sir.
Q And they returned it to you? A Yes sir.
Q Had you ever been married before? A No sir.
Q Had she ever been married before? A No sir.
Q Have you and she lived together ever since your marriage in '89?
A Yes sir.
Q Never separated? A No sir.
Q You were living together on the first of September, 1902? A
Yes sir.
Q Have you and your wife lived in the Cherokee Nation ever since
you came here in '85 up until the present time? A Yes sir.
Q You have never lived out? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Kuehnert

Subscribed and sworn to before me this 18th day of December, 1902.

~~B. Jones~~
NOTARY PUBLIC.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Sumie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Simon	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadbuss	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirththrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Pigrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddlestun	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosia B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson •	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Seudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneekar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Haslewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennle Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Iula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

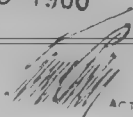
.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 29 1900



ACTING CHAIRMAN.

11

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 29 1900 9 1 1900.

Name/

District

COOWEE & COOWEE.

Year

Page

No

Citizen by blood /N.O.

Mother's citizenship

Intermarried citizens

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist.	Year	Page	No.	Age
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Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

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Dist. _____ Year _____ Page _____ No. _____ Age _____

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Dist. _____ Year _____ Page _____ No. _____ Age _____

See application of Rebecca A Dsothe

Departments of the Interior,
Commission to the Five Civilized Tribes,
Muscogee, Indian Territory.

In the matter of the application of Francis M. Boothe, for the enrollment of himself as a citizen by inter-marriage, of the Cherokee Nation.

It appears from the evidence in this case that Francis M. Boothe was first married in Alabama in 1884; that he afterwards procured license and took the oath of the Cherokee Nation, Tahlequah District, in 1889, and declared in the presence of Allen Ross, Clerk of the Tahlequah District, that he took this woman as his lawful wife and that he has been living with her since that time as such, and is still living with her;

It appears the only doubt in the minds of the Commission is in the manner of this second marriage; it will be seen on Page 344 Article 21, Section 685 of the compiled laws of the Cherokee Nation, that "marriage so far as its validity in law is concerned is a civil contract, to which the consent of the parties capable in law of contracting is essential."

That there is no particular form of marriage required. Sec. 689, Page

345. "No particular form of marriage shall be required in the solemnization of marriages except that the parties should solemnly declare in the presence of the Judge, Clerk of Minister officiating, or the attending witnesses, that they take each other as husband and wife, provided that citizens of the United States and those of other Indian nationalities inter-marrying among the Cherokees, shall first comply with the law governing such cases."

Now we claim, that Francis M. Boothe did comply with the law, obtained license from Allen Ross, then Clerk of the Tahlequah District, and that he did declare in the presence of said Allen Ross, that he took this woman as his lawful wife and that he has shown by his actions in living with her as such from that time on to the present that he intended what he said, and that they are husband and wife and lawfully married by the laws of the Cherokee Nation, and that he should be placed on the rolls as an inter-married citizen of the Cherokee Nation.

Wm Jackson atty

COMMISSIONERS,
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

HERES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18,

1902.

Mr. Francis M. Beebe,

Wagoner, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the eighth day of March, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-754
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

Cherokee No.
D. 734

Muskegee, Indian Territory, January 10, 1907.

Francis M. Boothe,
Wagoner, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. _____

Commissioner.

Cherokee B 734

Muskogee, Indian Territory, March 14, 1907.

Francis M. Beebe,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

NPI

Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. G-100
LHC

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Recd the license commission the
the tax & the water works
win in 96 - C.K. - C.R.D.

Intermed

Francis M. Booth &

A Original testimony of 1/10/22

B Memo of application of 1/10/22

C Cert of marriage from

records of Cherokee Nation

D Notice of final consideration, 3/8/22

E

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G

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Cher D 735

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MISSION THREE FIVE ONE TWO THREE

F I C D

OCT 31 1966

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 29th, 1900.

IN THE MATTER OF THE APPLICATION OF OCEOLA ALLEN FOR THE ENROLLMENT
OF HIMSELF AS A CHEROKEE CITIZEN.

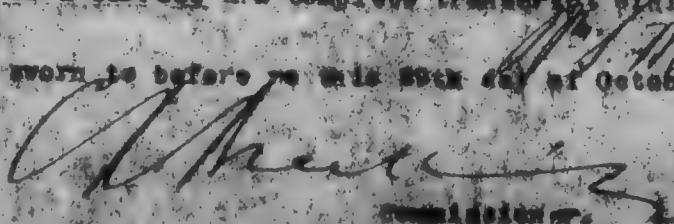
The said Ocoola Allen, being sworn and examined by Commissioner
C. R. Brockmire, testified as follows:

Q Give me your full name. A Ocoola Allen.
Q How old are you? A Twenty-two.
Q What is your post office? A Pryor Creek.
Q You live in Cooweescoowee District, now do you? A I am just
working there. I am not living there. I live at Tahlequah.
Q Then, Tahlequah district is your district? A Yes, sir.
Q Who is it you want to enroll, just yourself? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since
1888.
Q How did you acquire citizenship in the Cherokee Nation? Were
you admitted by the Cherokee Commission or Council? A I was admit-
ted by the Council.
Q Have you your certificate of admission? A No, sir; I am
on the 1880 roll, but I left afterwards, and I was admitted again.
Q Then where is your certificate of readmission? A I haven't
got it.
Q When were you readmitted? A In 1889.
Q Give me the name of your father. A Isaac W. Allen.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother. A Mary.
Q Is she dead? A Yes, sir.
1886 Roll, page 1132, No. 42, Ocoola Allen, Tahlequah District.
Native Cherokee, eighteen years old.

THE COMMISSIONER: The applicant is identified on the roll of 1886
as a native Cherokee. He states that he was readmitted to Cherokee
citizenship by the Cherokee Commission in 1889, but is unable to
produce an official copy of the act of readmission at this time. He
states that he has lived in the Cherokee Nation since 1888. He will now
be listed for enrollment as a Cherokee by blood on a tribal card and
to await official evidence of his admission as stated in the testimony.

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and other proceedings in this application for enrollment, and
that the foregoing is a correct and complete transcript of this stenograph-
ic notes thereof.

Subscribed and sworn to before me this 29th day of October A.D.
1900.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Ocoola Allen for enrollment as a citizen of the Cherokee Nation.

On the 29th day of October, 1900, Ocoola Allen appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Ocoola Allen was placed upon a doubtful card, awaiting evidence of his admission to Cherokee citizenship.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

From the evidence of record in this case it appears that Ocoola Allen was admitted to citizenship in the Cherokee Nation on February 1, 1888, and that he has resided in the Cherokee Nation continuously since the year 1889. He is duly identified on the 1896 census roll of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 25, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is
considered that David Allen is entitled to be enrolled as a citizen
by blood of the Cherokee Nation, and it is so ordered.


C. H. Harrison

Commissioner.

Dated at Muskogee, Indian Territory.

MAY 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D. 733.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

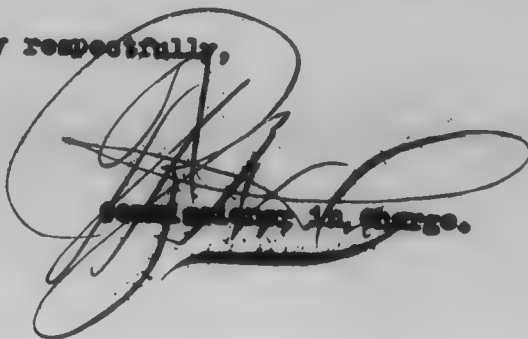
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Ocoila Allen for the enrollment of herself as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Encl. D-733.

Chloro H 11/21/10

- A Original testimony of 10/29/10
- B Memo. of Application of 1/29/11
- C Certified copy of Admission to Citizenship.
- D Supplemental Statement 2/28/11

Copies - Transmitted - See
with [illegible] [illegible]
[illegible]

Sept. 25, 1902 Cancelled and
transferred to [illegible] No. 9641

See Cherokee Jacket n° 34
[illegible]

Cher D 736

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLARENDON, I.T., OCTOBER 29th, 1900.

IN THE MATTER OF THE APPLICATION OF John K. French for the enrollment of himself and children as citizens of the Cherokee Nation, and he appearing before the Commission and being sworn by Commissioner, C. R. Brookbridge, testified as follows:

By the Commission:

- Q What is your name? A John K. French.
- Q What is your age? A Forty one years 24th February.
- Q What is your Postoffice address? A Collinsville.
- Q Do you make application for enrollment as a Cherokee citizen by blood, or by adoption? A By adoption by an Act of the Council.
- Q What district are you living in? A Coconawadaga.
- Q How long have you resided in the Cherokee Nation? A Near since the seventh day of June, 1891.
- Q For what do you make application? A For myself and two boys.
- Q What is your father's name? A James W. French.
- Q Is he dead or living? A He is living.
- Q Is he a white man? A Yes sir.
- Q What is the name of your mother? A Elizabeth French.
- Q Is she living? A She is dead.
- Q Was she a white woman? A Yes sir.
- Q Your parents never claimed to be citizens of the Cherokee Nation? A No sir.
- Q Are you married? A No sir.
- Q Were you ever married? A Yes sir.
- Q What was the name of your first wife? A Martha French.
- Q Is she a Cherokee by blood? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is her age? A Born in 1845 I believe.
- Q Is she a Cherokee by blood? A Yes sir.
- Q What is the name of her father? A Joseph Hanson.
- Q Is he living? A Yes sir.
- Q Is he a Cherokee by blood or a white man? A Cherokee by blood.
- Q What is your wife's mother's name? A Selina Hanson.
- Q Is she living? A She is dead.
- Q Was she a Cherokee? A No sir.
- Q What was your wife's name in 1890? A Martha French.
- Q How long has she lived in the Cherokee Nation? A Near since June 7th, 1891.
- Q When were you married to her? A On the 28th of November, 1878.
- Q Have you any evidence of that marriage? A Only affidavits of those who were present.
- Q How long did you live with your wife? I lived with her from that date until April, 1895.
- Q Were you divorced from her? A Yes sir.
- Q Where were you living at the time of the divorce? A At Tahlequah.
- Q Did you secure the divorce, or did someone else? A I sued for divorce.
- Q Upon what grounds? A Abuse; three or four allegations.
- Q In what way did she abuse you? A In different ways; as set forth in the allegations; two of the allegations was striking me.
- Q When was this divorce granted? A In 1895; April.
- Q Did you live with her continuously up to that time? A Yes sir.
- Q Have you remarried since that time? A No sir.
- Q Have you been living with any other woman since that time? A No sir; I never lived with any one as a wife.
- Q It is a fact that you were living with some one, but not as your wife? A No sir; I had a woman keeping house for me and my boys.
- Q Was any one else living there besides you and the boys and this woman? A Yes sir; most of the time I had some one there.

By Mr. W. W. Hastings, Gloucester Representative:

Q Do you mean that you instituted this suit against your former wife for divorce? A Yes sir.

Q Did you bring the suit yourself? A Yes sir.

Q The instituted this suit? A I did.

Q In what Court? A Gloucester Court, District Court of the Gloucester Division.

Q Is it not a fact that she brought suit against you? A No sir, you were her attorney.

Q She brought suit against you, and she obtained the divorce?

A No sir, you are mistaken; I beg your pardon.

Q It was not alleged in that suit that you were living with a white woman in adultery? A I beg your pardon, no sir.

Q Have you these papers? A There is the decree of the Court in this case, signed by you and Mr. Benjamin (Judicial) hands paper to Mr. Hastings.

The records of the Court ought to show who filed it.

By the Commission:

Q The was granted the custody of those children? A She has the two youngest, and I have the two oldest.

By Mr. W. W. Hastings, Gloucester Representative:

Q Have you these two children you are attempting to enroll here?

A Yes sir. One of them is in the nursery; the other one is at home. They are both at home today.

By the Commission:

The applicant presents a certified copy of the decree of divorce.

By Mr. W. W. Hastings, Gloucester Representative:

Q You were not living with your wife at the time this divorce was granted? A Yes sir, and I lived there afterwards too.

Q And you had not been living with her for a number of months?

A I lived right there at home with her and the child run up to the time the divorce was granted, and afterwards.

Q That woman did also allege that you were living with and keeping at that time? A She did not allege so all.

Q What was that woman's name? A Harriet.

Q You were accused of living with that woman? A Yes sir, and I was punished in Court for it.

Q You finally plead guilty? A Yes sir.

Q In the United States Court? A Yes sir.

Q You plead guilty to living in adultery with her, did you not?

A No sir, I was not charged with adultery.

Q What were you charged with? A Fornication. I was not charged with living with her; I was charged with getting in bed with her.

Q And you plead guilty to that did you? A Yes sir.

Q And the neighborhood report is that you had a child by her?

A Yes sir.

Q She had a child? A Yes sir.

Q That child is supposed to be yours? A I never knew what it is.

Q Do you acknowledge it as your child? A I do not know.

Q Have you ever acknowledged it as yours? A I do not know that I ever did.

Q Have you ever told it to the neighbors as your child?

A No sir.

Q Have you ever denied it? A Yes sir.

Q Do you deny it now as well? A No sir, I do not.

Q At the time the complaint was pending, did not that woman - your wife - file a complaint or a cross complaint, alleging that a divorce be granted on the ground that you were living with that woman, Harriet? A I never saw it.

Q The cause of this divorce was this barter woman, was it not?

A No sir.

Q It is strange then that if you brought the suit she got every-
thing? A No they say she got everything?

Q Yes sir? A I got - We divided our property on near in half
as we could.

By the Commission:

The applicant presents a certified copy of the decree of divorce,
issued on the 9th day of April, 1898, but the said decree fails to
show by when the divorce was instituted; and the applicant will be
required to file with the Commission either the original or a cer-
tified copy of the divorce, showing by when suit was instituted.
This document is filed herewith.

Q Now give me the names of the children for whom you desire to make
application? A George R. French.

Q How old is George? A Twenty years old.

Q What is the name of the next child? A Henry C. French.

Q How old is he? A About eighteen.

(The Census Roll of 1896 is examined, and the name of the
applicant is not found therein)

(1896 Roll, Page 1168, 31048, George R. French, Tobacco Hill)
(1896 Roll, Page 1169, 31049, Henry C. French, ")

Q Did you make application to the census takers in 1896 for enroll-
ment? A Yes sir, right together with my wife and children.

Q What did the census takers tell you? Did they say they would
enroll you? A They did enroll me.

The applicant applies for the enrollment of himself and two
children.

He is not identified upon the census roll of 1896; He avers that
he is a white man, and that he came to the Cherokee Nation in the
year 1881. His name appears upon the Printed List of North Caro-
lina Cherokees who removed to the Cherokee Nation, June 8th, 1881,
under an Act of the National Council, approved December 3rd, 1880;
His name appears therein No. 879, J. R. French, white, age at that
time twenty three years, male. He avers that he was married
on the 25th day of November, 1878 to one, Martha Hanson; He pro-
duces no satisfactory evidence as to his marriage, and he will be
required to file with this Commission either the original or a cer-
tified copy of the marriage license and certificate. He lived with
his wife until the year 1888, when they were divorced; and he avers
that the Court granted him the divorce; He will be required to file
with the Commission the original decree of divorce granted him by
the Court from Martha French.

For the further consideration of the Commission, his application
for his own enrollment will be placed on what is known as a "doubt-
ful card"; When final judgment is rendered in his case, he will
be notified in writing at his present Postoffice address.

As to the application he makes for his two children, George R.
and Henry C. French, they are not identified upon the roll of 1896;
The name of the older child, George R., appears upon the printed
list of North Carolina Cherokees who removed to the Cherokee
Nation June 8th, 1881, under an Act of the National Council, ap-
proved December 3rd, 1880, appearing therein as Number 20, George
French, Cherokee, age at that time ten years, male. The name of
this child also appears upon the census roll of 1896, as a native
Cherokee.

The name of this child's mother also appears in the
printed list above referred to, as Martha French, No. 25, Cherokee,
age at that time thirty five years. Satisfactory proof as to the
residence of this child having been given, he, George R. French will
be listed for enrollment by this Commission as a Cherokee by blood.

The undersigned, being sworn, states that as a consequence of the bombing in the New Orleans Hotel, he currently attended the hearings and proceedings in this case, and that the foregoing is a true and complete summary of his knowledge and belief.

THE UNIVERSITY OF CHICAGO

Ch. Allen

THE UNIVERSITY OF CHICAGO PRESS

8012
Chester D-720.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 26, 1902.

In the matter of the application of Annie Sanders et al. for
enrollment as citizens of the Cherokee Nation.

Supplemental Statement.

On the 31st day of January, 1902, there was filed with
the Commission a birth affidavit duly sworn to by Annie Sanders from
which it appears that Carl E. Sanders was born on the 30th day of
September, 1901; that he is the child of Charles and Annie Sanders
and that he was living at the time of the execution of the affidavit.
Said affidavit was approved.


Commissioner.

Supl.-C.D.#736.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN H. FRENCH
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter: The applicant has this day been called and fails to respond either in person or by attorney.

Mr. J. C. Starr, Cherokee Representative: Comes now the Representatives of the Cherokee Nation and move for a continuance in this case until March 19, 1902, in order that the Cherokee Nation may be afforded an opportunity to have witnesses present on that day to testify in this case.

Commission: The request of the Cherokee Nation will be complied with, and the case continued until the 19th day of March, 1902.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly received the proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

736

the evidence now on record.
 and will be referred to the Commission for direct testimony given about
 the Nation present against the case; the name is given by the
 the effort for the subject and the representative of the
 the evidence before that time.
 evidence by the representative of the Cherokee Nation on points
 oppose the information of the certificate of marriage entered in
 Mr. BAKER: The evidence for J. M. Brown has no answer to
 the evidence of the certificate of the Cherokee Nation of 1886.
 that this man was clearly convicted and that he is a criminal
 Mr. HALLIDAY: The evidence for the Cherokee Nation now in the
 the Cherokee Nation does not support the case.

DEPARTMENT OF THE INTERIOR
 COMMISSIONER OF THE FIVE CIVILIZED TRIBES
 FEB 1901
 ACTING CHAIRMAN

Handwritten signature

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 the Cherokee Nation does not support the case.

the same one.
 of the Cherokee Nation that you would see well to tell about it
 the Cherokee Nation of 1886.
 Mr. HALLIDAY: This is the same man that was arrested in
 1886. I don't think it is the same man that was arrested in 1886.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

In the matter of the application of John H. French for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant represented by G. W. Bengue.

Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt was acknowledged of the Commission's letter, but the applicant failed to respond either in person or by attorney. The Cherokee Nation, by its representative present, moved for a continuance in this case until the 19th day of March, 1902, in order that the Cherokee Nation might be afforded an opportunity to introduce further testimony in the matter of the application of the said John H. French. The case being this day, to wit the 19th day of March, 1902, called, the applicant appears by his attorney, G. W. Bengue.

The Cherokee Nation offers in evidence a marriage license between John H. French, aged forty-two, white, residence given in Collinsville, I. T., and Nannie J. Harlow, aged twenty-three, white, issued at Hominy Post, Oklahoma, on the 7th day of October, 1901, by T. L. Sanders, Clerk; and a certificate showing that they were united in matrimony by Martin H. Hanson, a justice of the peace of Cleveland in Pawnee County, Oklahoma, on the 7th day of October, 1901.

NELSON LOWREY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Nelson Lowrey.

Q What is your age? A 41.

Q Your postoffice? A Tahlequah.

Q Did you know John H. French, who now lives in Collinsville, and who formerly lived near Tahlequah? A Yes, sir.

Q Did you know Nannie J. Harlow? A Yes, sir.

Q Was she a white woman? A Yes, sir.

Q She didn't claim to be a citizen of the Cherokee Nation then?

A No, sir.

Q She lived over there in Tahlequah too? A Yes, sir, she lived about three miles of me.

MR. BENGUE: What is the father's name of Nannie J. Harlow?

A I didn't know his given name, only by the name of Harlow.

Q How many children were there of them of the family if you know?

A There was three, four girls.

Q Who was the oldest, Nannie? A Of the girls Nannie was the youngest girl.

Q What was the name of the oldest one? A I didn't know the name of the oldest one.

Q What was the name of the second one? A I didn't know the names of any of the girls.

Q What was the name of the third one? A I didn't know any of them except Nannie.

Q How come you to know Nannie's name? A Why because I loaned her and John French some money when they got ready to go away?

Q Go away? A Yes, sir.

Q Where did they go? A The first place, they went from there to Siloam, where they said they were going when they borrowed the money.

Q You don't know where they went? A No, sir, he was going to Siloam he said.

Q When was that? A Oh it has been some three or four years ago, I

think, I don't just remember, sometime after the Cherokee payment.

MR. HASTINGS: This is the same woman that separated John French and his wife? A Yes, sir.

Q And the same woman that John French was sent to jail about? A The same one.

The tribal rolls of the Cherokee Nation examined and the name of Harrie Harlow does not appear thereon.

MR. HASTINGS: The attorneys for the Cherokee Nation now insist that this man has clearly forfeited his right to citizenship under section 686 of the compiled laws of the Cherokee Nation of 1892.

MR. KING: The attorney for J. H. French has no answer to oppose the introduction of the certificate of marriage offered in evidence by the representative of the Cherokee Nation on points introduced before that time.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Groninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur Groninger

DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE CIVILIZED
TRIBES, AT MUSKOGEE, I. T., MARCH 20th 1892.

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In the matter of the application of John H. French for the enrollment
of himself as an adopted white citizen of the Cherokee Nation.

"D 733".

In obedience to a notification to the said J. H. French of
the time for final hearing, and closing of said case by the Commission,
appeared by his Attorney, G. W. Benge, who in behalf of said applicant
agreed that the case be submitted for final decision by the Commission
with leave of filing brief in behalf of the said Applicant.

"B R I E F".

The contention of the applicant, John H. French is, that he
is an adopted white citizen of the Cherokee Nation, having legally mar-
ried a North Carolina Cherokee woman, Martha French, "Nee Henson", on
the 28th of November, 1878, (see certificate of Marriage_) and that
he lived with her from that date until April, 1885, that subsequent to
their marriage and in obedience to an act of the national Council,
approved December 30, 1880, inviting the North Carolina Cherokees
to remove to the Cherokee Nation, Indian Territory, they in company
with many others moved into the Cherokee Nation on the 7th day of June
1881, as his name will appear on a roll, or list with such other
North Carolina Cherokees who removed in to the Cherokee Nation June 8,
1881, on the day after their arrival at the Capital of the Cherokee
Nation, and since which time he has been recognized by the authorities
of the Cherokee Nation as an adopted white citizen of said Nation,
that until the present time his right to enjoy and exercise citizen-
ship has never been disputed, and having thus been received and
enrolled by the Cherokee authorities as an identified person with the
same rights of such North Carolina Cherokees, and as being one coming

under the head of the said law of invitation above referred to, in consequence of his said marriage to the said Martha French, "Nee Hensen", and in view of the fact of having acquired, and exercised all the privileges as other adopted citizens of the Nation since June 8, 1861, the applicant should be enrolled as an adopted white citizen of the Cherokee Nation.

SECOND- That the divorce obtained on the 9th day of April, 1895 shows that he was awarded one half of the property owned by him and his wife, and further, the custody of their two oldest children, and to the wife the other half of their property, and the custody of their two youngest children; that he has now in his keeping his said two boys, George E. and Henry C. French, and that the certificate filed with the Commission show that applicant was the plaintiff in the said divorce proceedings, but the fact alone of the decree awarding to the applicant one half of their property, and the custody of two of their children is sufficient to show that his right to the exercise of citizenship in the Cherokee Nation was not impaired thereby, as is provided in section 607, pages 332 and 333, which is as follows:-

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of Citizenship of this Nation".

But by reference to Section 608, which is as follows:-

"Property of every description, possessed within the limits of the Cherokee Nation by an adopted citizen, shall, in case such adopted citizen abandon his wife, without lawful cause, be the absolute property of such wife, or wife and her children. But whenever such abandonment shall be planned or effected by the wife for the purpose of ridding herself of her husband, then and in that case such wife shall be entitled to only such property as shall be awarded upon application of either party for divorce, by the Court having jurisdiction".

According to the terms of the decree, the divorce could not have been obtained according to the first clause of this section, but unquestionably according to the latter clause of the same, the effect of which wisely protects the property of such white person as well as his citizenship, against a designing Cherokee woman, and the operation of the first clause of this section (608) and if the honorable Commission find that the decree is in harmony with the

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the latter clause of the said section, the applicant should be listed for enrollment, as an adopted white citizen, with his children, (and as was his divorced wife) and as other white adopted citizens, who came under the same head as invited North Carolina Cherokees.

THIRD- That he files herewith certificate of his marriage to Martha Hanson, and in the matter of the Decree of divorce, the copy presented is all that appears of record, tending to show who instituted the proceedings in the case, except as will be seen from certificate of B. W. Alberty, Executive Secretary and Custodian of the records pertaining to such matters, to which your attention is called; Said certificate shows the fact that John H. French was Plaintiff, vs.

Martha French, defendant.

FOURTH- Your attention is respectfully called to the fact of maintaining a Suit in the Cherokee Courts, is alone conclusive evidence, of his recognition by the Cherokee Authorities of his Citizenship, otherwise, the plea of Jurisdiction would have never escaped the Attorney representing the Defendant, Martha French, (When we note the fact that W. W. Hastings, Esq., was for Defendant in that contest for said divorce proceedings) when the fact will not be denied, that the Cherokee Nation only had Jurisdiction wherein litigants were citizens of the Nation, the circumstances are abundant tending to corroborate the contention of applicant, That he be listed for enrollment as an adopted white citizen of the Nation.

Respectfully submitted:


Attorney for Applicant

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THE UNIVERSITY OF CHICAGO

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一、二、三、四、五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

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Cherokee B. 122.

John H. French

Chief of Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., May 14, 1903.

In the matter of the application of
John H. French for the enrollment of
himself as a citizen of the Cherokee
Nation by adoption.

Cherokee B. 122.

Brief on behalf of the Cherokee Nation.

~~XXXXXXXXXXXX~~

Aside from the many other questions involved in this case with reference to the applicant's desertion of his first wife, we do not deem it necessary to call attention to anything except the fact of his subsequent marriage to a white woman, as shown by the certificate of marriage introduced in this case on March 19th, 1903, showing that applicant was married to Hannie J. Harlow on the 7th day of October, 1901. Both the certificate and the proof of Nelson Lowery shows that this Hannie J. Harlow was a white woman; and the Cherokee Nation therefore contends that the applicant, John H. French, forfeited his right to be enrolled as a citizen by intermarriage, and Section 556 of the Compiled Laws of the Cherokee Nation, 1892, is respectfully cited.

Respectfully submitted,

Attorney for the Cherokee Nation.

W H M

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on October 29, 1900, John H. French appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that the said John H. French, a white man, was married on November 28, 1878, to Martha Henson, a Cherokee by blood, and that he came with her to the Cherokee Nation with the North Carolina Cherokees who removed to the Cherokee Nation June 8, 1861, under an Act of the National Council of the Cherokee Nation, approved December 3, 1860. The name of John H. French, as "J. H. French, white", appears with that of his wife, Martha, on the list of North Carolina Cherokees who removed to the Cherokee Nation. The said John H. French and his wife, Martha French, lived together until divorced under an agreement approved April 9, 1895. It further appears that John H. French, since his divorce from his said wife, married on October 7, 1901, Fannie J. Harlow, a white woman. John H. French is not identified on the Cherokee Census roll of 1898.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 646 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application of John H. French for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION.

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. 756.

Muskegee, I. T., Jan. 25, 1902.

Mr. R. D. Perry,

Collinsville, I. T.

Dear Sir:

Kindly write me whether or not J. H. French of your place ~~was~~
~~married a white woman, and if not is he living with one and holding her~~
out as his wife.

Please give my regards to your family and oblige.

Yours very truly,

Attorney for the Cherokee Nation.

Collinsville, I D Feb 21, 1962.

Mr W. W. Hatching Moscoogee I.D.

Dear Sir, in answer to yours
in regard to Mr French
Yes he is married to a white woman
and I think to the one he
was in trouble over while he
lived at Tahlequah she has
two children when married.

All well, wish you
the same. respt-

R. S. Perry

ATTORNEYS
L. H. DELL
W. W. HASTINGS
J. S. DAVENPORT
J. C. STARR, SECRETARY

OFFICE OF
ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Mustang
IND. TER.

7/20

1902

R. D. Perry
Ballinsville 25.

Dear Sir:

Do you know what track is
running so that you can swear to it -
Are they generally recognized as husband
and wife? His case is set for 3/8-02 -
If you know it, please come down
here on March 8th 1902 & if not
write me at once when to report -
Regards to family - I will pay witness fees to you
Yours truly
W. W. Hastings

Collinsville I. I. Feb. 28

Mr. W. W. Hastings

Sir, Mr. French only says he is married
I don't know if he is or not. I don't
know her with him. I don't know
any thing else about the case. 1858

I don't know anything more of

it. I don't know any thing more of

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ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. C. D. 730.

Macon, I. T., March 3, 1902.

Mr. R. D. Perry,

Columbia, I. T.

Dear Sir:

Enclosed herewith please find a subpoena for your attendance before the Dawes Commission at Macon, I. T., on the 3rd day of March, 1902. Please ~~be~~ accept service of the subpoena by signing the blank stamped in red ink at the bottom and return to us by first mail, and advise us if you will be here at that time.

Yours truly,

J. C. Starr

J. C. Starr Esq.

Witness G. T.

Dear sir!— In answer to the above will only that I know nothing about the case, whatever, and for that reason I hereby return subpoena ~~is~~ not accepted. R. D. Perry

ATTORNEY AT LAW.

J. M. GOLDSBERRY.

NOTARY PUBLIC.

REFERENCES:

FIRST NATIONAL BANK, Bartlesville, I. T.
GEORGE B. KEELE, Bartlesville, I. T.
CANEY VALLEY NAT'L BANK, Caney, Kan.

The Collinsville Law and Collection Agency.

COLLINSVILLE, IND. TER., - 8/5- 1902

J. C. Star Exp.

Mustang, I. T.

Dear Sir: - In an acknowledgement of service of notice on John H. French by R. D. Perry, it comes to my memory that there was an error in failing to have Mr. Perry sign same. If it is a fact if you will return the copy to me I will have it corrected, it was a simple oversight.

Yours truly,
John M. Goldsberry

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARK, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. — C. D. 736.

Muskogee, I. T., March 7, 1902.

R. D. Perry, Esq.,

Collinsville, I. T.

Dear Sir:

Replying to your letter of inquiry beg to say that we will ask the Commission for a continuance in the case we wanted you as a witness in, and will send you another subpoena later on. I am sorry that you did not obey the summons, and trust you will be on hand the next time we send you a subpoena.

Yours truly,

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 736.

Muskogee, I. T., March 7, 1902.

John M. Goldsburv, Esq.,

Collinsville, I. T.

Dear Sir:

Replving to your letter relative to the oversight in not having R. D. Perry sign the affidavit as to the service on John M. French beg to say that we will continue the case and send you a new paper to serve on him later.

Yours truly,

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. _____

C. D. 736

Muskogee, I. T. March, 10, 1902.

Mr. J. M. Goldsberry,

Collinsville, I. T.

Dear Sir:-

Enclosed herewith find Cherokee notice, which please have
some one serve by delivering a copy to John H. French, and swearing
to his return before you, and send to me with your bill for the service,
and we will remit. Please have this attended to promptly.

Yours very truly,

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. _____

C. D. 736.

Muskogee, I. T., March 19, 1902.

The City Marshal,

Collinsville, I. T.

Dear Sir:

Enclosed herewith find a subpoena for two residents of your town to appear here as a witness on March 19th, 1902. Serve them and return to me at once in the enclosed envelope, together with your fees for same, and we will remit the amount. Also sign the enclosed blank receipt and we will fill it out for the proper amount.

Yours truly,

Attorney for the Cherokee Nation.

L. B. BELL

W. W. HASTINGS

J. E. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. G. D. 736.

Muskogee, I. T., March 11, 1902.

Mr. John M. Goldsberry,

Collinsville, I. T.

Dear Sir:

We have been advised that John W. French lived with a white woman as his wife for a while; that her name was Pattie Tipton, and that he has since married another white woman. I wish you would quietly ascertain for me the facts of about this, and if he has married kindly advise me where he was married, and who married him. Thanking you for an early reply, I am,

Yours truly,

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 736.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

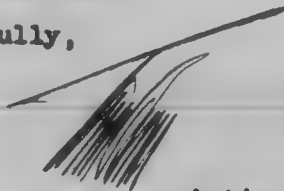
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 24.

COMMISSIONERS.

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 736.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

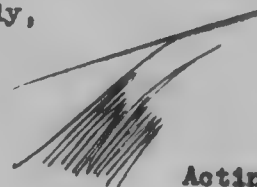
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of John H. French for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,



Acting Chairman.

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

W. W. HASTINGS, ATTORNEY

J. C. STARR, SECRETARY

MUSKOGEE, IND. TER. _____ 190__

John H French -
Ed Sanders 2 ✓ 3 c
Mattie Kplum L y
T - o e e ✓
a white-woman

John H. French

D. Original petition of 10/29/00

E. Memo of application of 10/29/00

F. Certified copy of decree of divorce

G. Notice of final consideration, 3/8/02

H. Receipt for testimony

I. Proof of service of notice 4/1/02

J. [illegible]

K. Order continuing case to 3/19/02

L. Brief for affiant
marriage license & affidavit

M. [illegible]

N. See Cherokee Index #5068

Cher D 737

Cher D 737

2000-00-00 12:00 12:00

THE UNIVERSITY OF CHICAGO

It is not a policy.

[illegible][illegible][illegible][illegible]

6 Did you ever see a red-
head? I have seen one in
the field. It was in the
field at night.

1. The first two chapters of the book are devoted to the study of the history of the development of the theory of the structure of the atom. The author starts with the classical theory of the atom and then goes on to the quantum theory. The author shows how the quantum theory has led to the discovery of the structure of the atom and how it has led to the discovery of the structure of the nucleus.

1. The first of the three is the "National Security" program, which is the most important of the three. It is the only one that is not a "program" in the sense of the word as used in the title of the report. It is a "program" in the sense of the word as used in the title of the report. It is a "program" in the sense of the word as used in the title of the report.

[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 29th, A.D. 1900.

IN THE MATTER OF THE APPLICATION OF ELBERT L. MORGAN FOR THE ENROLLMENT OF HIS WIFE AND ONE CHILD AS CHEROKEE CITIZENS.

The said Elbert L. Morgan being sworn and examined by Commissioner C. R. Brockbridge, testified as follows:

Q Give me your full name. A Elbert L. Morgan.
Q How old are you? A Twenty-five.
Q What is your post office? A Dawson.
Q Do you live in Coowasawnee District? A Yes, sir.
Q Do you want to enroll yourself and family? A My wife is enrolled under her maiden name, and I want to enroll her.
Q Do you want to apply for your own enrollment? A No, sir.
Q You want to correct the enrollment of your wife? A Yes, sir.
Q Have you got any children? A I have got one.
Q Your wife was enrolled under what name? A Florence Flourney.
Q Is your wife Florence the same person who was enrolled by her step father Henry T. Flourney? A He gave in her name wrong at that time. I wasn't here.

Q She is seventeen years old? A Yes, sir.
Q How when did she marry you? A December 20th, 1898.
Q Have you a certificate of marriage? A Yes, sir.
THE COMMISSIONER: The applicant presents a certificate issued by the Clerk of the United States Court, Northern District of the Indian Territory, December 17th, 1898, authorizing his marriage as stated, and he and his wife were united in marriage on the 20th of the same month and in the same year by the Rev. R. J. Booth. This is filed herewith.

Q Now give me the name of this child.
A Glida.
Q That child was born the 1st of December 1899? A Yes, sir.
Q Now, how old is your wife Florence? A She is seventeen.
Q Give me the name of her father. A Jim Flourney.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee? A He was an adopted Cherokee is all.
Q He was a white man? A Yes, sir.
Q How long has he been dead? A I tink he died in 1895. I am not positive. I wasn't acquainted with him.
Q Give me the name of your wife's mother. A Kittie Flourney.
Q Is she dead? A No, sir; she is living.
Q Is she a Cherokee? A Yes, sir.
Q Is she a Flourney now? A No, sir; she is a Richardson now.
Q She is now the wife of Henry T. Richardson? A Yes, sir.
Q Who applied a few days ago? A Yes, sir.
Q How long has your wife lived in the Cherokee Nation? A Why, I don't know. She was quite small.

Q She has lived here as much as ten years or more, has she? A Yes, sir; I tink they was enrolled in 1894.
Q How did your wife's mother get to be a Cherokee citizen? A She got it by blood, I suppose.
Q Who recognized it? A I don't know.
Q Did she ever apply to the Bureau Commission for Citizenship? A Yes, sir; I think so. I don't know very much about it.

Q Have you any certificate of her having been admitted at any time by any Cherokee authorities? A No sir; I have not. They was all presented here the other day. I have not anything at all. Richardson presented them the other day.

Q What was the name of your wife's mother ~~xxxx~~ before she was a Pleamsey? A I don't know.

Q Wasn't she a Dawson? A I don't know sir.

THE COMMISSIONER: It is stated in the testimony in the case of Henry T. Richardson for the enrollment of himself, his wife, children and step-children, (B 715) that his present wife, who is the mother of the applicant's wife, is shown by an official copy of an act of the Cherokee Council approved December 1st, 1894, to have been admitted with her family to all the rights and privileges of citizenship in the Cherokee Nation.

Q How long has your wife lived in the Cherokee Nation? A I don't know. I never heard them say anything about it.

Q Did you know her several years before you married her? A Three years is all.

Q You have known her then for the last five years? A Yes, sir.

Q She has been living here all the time? A Yes, sir.

THE COMMISSIONER: It is further stated in the case just referred to that the wife of the mother of the applicant's wife was a party to an application made to the Dawes Commission for admission in 1896, the record of which is found at this time or was found at that time, and the present husband of the mother of the applicant's wife stated that the Commission reported that his wife and her family had been enrolled. The records verifying this statement are not accessible at the present time.

THE COMMISSIONER: The applicant applies for the enrollment of his wife and one child. He is a white man and was married to a late for enrollment. He makes no application for himself. His wife is shown to have been erroneously enrolled by her step-father under the name of Pleamsey on Card B. 715. An order will be made cancelling that enrollment and this enrollment will take its place.

It is shown by the testimony that the applicant's mother was admitted to citizenship in 1894, and certain alleged proceedings before the Dawes Commission in 1896 require yet to be investigated. The applicant states that his wife has lived in the Cherokee Nation for five years to his personal knowledge, and he thinks she has lived here since she was a child, some ten years. She is not identified on either the roll of 1894 or 1896. At present she will be placed as a Cherokee by blood and placed upon a doubtful card for further consideration. When the Commission is supplied with a certificate of the birth of the child this child also will be placed upon a doubtful card as a Cherokee by blood. The marriage license and certificate are filed herewith.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of October 1900.

W. H. McLean
Commissioner.

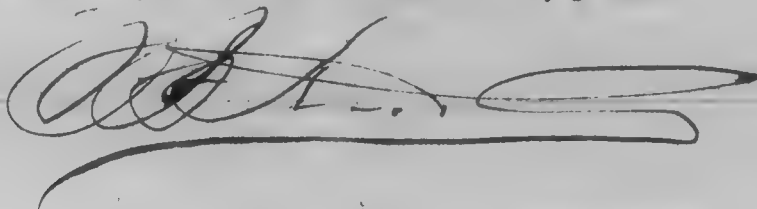
Supl.-C.D.#727.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JANE CRIGBAUM,
ET AL., as citizens of the Cherokee Nation;

The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said day she might appear before the Commission either in person or by attorney and an opportunity would be given her to introduce any additional testimony affecting her application. The applicant has this day, to-wit: the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee Representative, present.



Commissioner.

J.O.R.

~~James Morgan et al~~

~~April 12, 1904. Cancelled and
Nos 1 to 3 incl. transferred to
Cherokee 18767.~~

**COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.**

~~See D 38 H~~

Cher D 131

Cher D 131

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• 1905-1906

CONFIDENTIALITY OF THE INVESTIGATION. TO BE USED IN THE INVESTIGATION OF THE CASES OF THE FBI. TO BE USED IN THE INVESTIGATION OF THE CASES OF THE FBI. TO BE USED IN THE INVESTIGATION OF THE CASES OF THE FBI.

to 4000 ft. and the distance of 47,000 ft.

questioned said James' name, but still he placed upon a complaint card
the marriage as his, and he will be listed now for enrollment as a
Mex slave in the Cherokee Nation with the Cherokees who over came
at this time. He is identified on the roll of 1890. He married
his present wife, but it appears to produce a house of divorce
and he was divorced from his first wife at the time of his removal
but they are separated since before his present marriage. He stated
in 1893 July 31st. He states further we have never previously married
have married two Cherokees wife in circumstances with the Cherokees
for a certain number of years as follows. The children to know of
John E. and Dennis G. Bradshaw, John children also he stated
children of John and Bradshaw as to the two youngest children
now and will be listed for enrollment as Cherokees by blood. When
identified with their parents on the roll of 1890, they are living
on the land children mentioned in the testimony. The oldest two are
and one with the father was for enrollment as a Cherokee by blood.
Children of the father were for enrollment as a Cherokee by blood.
Nation and Indian life. Now whether he identified on the 1890 roll and
Cherokee. The child was seven years old and lived in the Cherokees
children. His mother was identified on the 1890 roll as a native
the children's enrollment of himself, wife and four

1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698

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DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVIL

Department of the Interior
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 28th 1900.

In the matter of the application of James B. Bradshaw for the enrollment of himself, wife and four children as Cherokee citizens. He being sworn testified before the Commission as follows-

Q What is your name? A. James B. Bradshaw.
Q How old are you? A. 38.
Q What is your post office? A. Peggs, I. T.
Q Do you live in Cowasawnee district? A. In Tahlequah.
Q Who do you want to have enrolled, yourself and family? A. Yes sir.
Q Have you a wife? A. Yes sir.
Q How many children? A. 4.
Q Are you a Cherokee by blood? A. By adoption.
Q Is your wife a Cherokee by blood? A. Yes sir.
Q Are you a white man? A. Yes sir.
Q Let me see your marriage license and certificate. The applicant presents an official copy of the record of Sevier Snake District showing that he was married to his wife in accordance with the laws of the Cherokee Nation on the 31st of July 1892. This is filed herewith.
Q Have you lived with your wife ever since your marriage to her in 1892? A. Yes sir.
Q And all the time in the Cherokee Nation? A. Yes sir, all except 7 months that I was out of the Cherokee Nation.
Q What were you doing those seven months? A. Working for an uncle.
Q Never left your home outside of the Cherokee Nation since then? A. No sir.
Q Were you ever married except to this wife? A. Yes sir but I was divorced.
Q Have you a copy of the decree of divorce? A. No sir, but I was divorced in Arkansas, Benton County.
Q What was the name of your former wife? A. Alice Bradshaw.
Q When were you divorced from her? A. In the same year that I was married the second time, in 1892.
Q What time in 1892? A. Somewhere in September. Think it was in September 1892, Fall term of the Benton County Court.
Q But you were married to this woman in July. A. Well it was the same year; I was divorced and afterwards married this woman that I am married to now.
Q That is the only time that you were ever married except to the present wife is it? A. Yes sir, just twice.
Q Give me the name of your present wife? A. Nora.
Q How old is she? A. 31 years old.
Q How long has she lived in the Cherokee Nation? A. She was born here.
Q Has she lived here all her life? A. Yes sir.
Q Give me the name of her father? A. Gibe.
Q Full name-I don't know it, he died when she was little.
Q Give me the full name of her mother. A. Rosa Martin now.
Q When did she marry her husband Martin? A. In 1896. You will find her name Langley on the 1896 roll so she told me last night. She was married three times.
Q Give me the names of your children. A. Rosa B. age 7; Anna B. age 5; John B. age 3 and Dennis C. age 1.
Q Those children are all living are they? A. Yes sir.
Q What was her step father's name? A. I can't tell.
Q Then you don't remember the given name of either Gibe or Langley? A. No sir.
Q Did she have any brothers or sisters living at that time, your wife, I mean? A. No sir.

1896 roll, page 725, No. 225, Ethel Bradshaw, Going Snake,
1896 725 298, Auda Bradshaw, "
Q Was your wife ever married except to you? A. No sir.

1880, roll page 449, No. 1941, Rosa Longleg (Langley), Going Snake, N.S.
1880 449 1942 P. Longleg (Langley) N.S.

The applicant applies for the enrollment of himself, wife and four children. His wife is identified on the 1896 roll as a native Cherokee. The applicant states that she has lived in the Cherokee Nation all her life. Her mother is identified on the 1880 roll and applicants wife is identified on said roll with reasonable certainty and she will be listed now for enrollment as a Cherokee by blood. Of the four children mentioned in the testimony, the oldest two are identified with their parents on the roll of 1896, they are living now and will be listed for enrollment as Cherokees by blood. When certificates of birth are furnished as to the two youngest children Jehu E. and Dennis O. Bradshaw, this children will also be listed for enrollment as Cherokees by blood. The applicant is shown to have married his Cherokee wife in accordance with the Cherokee laws in 1892, July 31st. He states that she was never previously married but that he was married once before his present marriage. He states that he was divorced from his first wife at the time of his marriage to his present wife, but is unable to produce a decree of divorce at this time. He is identified on the roll of 1896. He ~~has~~ lived in the Cherokee Nation with his Cherokee wife ever since his marriage to her, and he will be listed now for enrollment as a Cherokee by intermarriage, but will be placed upon a doubtful card to await a copy of the decree ~~for~~ of divorce.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 29th of October, 1909.

Notary Public
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JAMES B. BRADSHAW as a citizen of the Cherokee Nation, introduced
on part of applicant:

The applicant was notified by registered letter February
18, 1902, that his application for the enrollment of himself
as a citizen of the Cherokee Nation would be taken up for
final consideration by the Commission at its offices in Musko-
gee, Indian Territory, on the 8th day of March, 1902. Receipt
has been acknowledged of Commission's letter, and the applicant,
this day, to-wit: the 8th day of March, 1902, appears in person.

Mr. J. C. Starr, Cherokee Representative, present.

JAMES B. BRADSHAW, the applicant, being duly sworn, testi-
fied as follows in his own behalf:

COMMISSION:

- Q What is your name? A James B. Bradshaw.
- Q What is your post office address? A Peggs, Indian Territory.
- Q How old are you? A I was born in 1867, I am 34.
- Q You are an applicant before the Commission for enrollment as a
citizen of the Cherokee Nation? A Yes, sir.
- Q You were married before you married your present wife?
- A Yes, sir.
- Q Is there any statement you desire to make relative to the en-
rollment of yourself as a citizen of the Cherokee Nation?
- A Nothing I reckon.
- Q On what day was your divorce granted from your first wife?
- A Well, sir, I just ain't able to tell you.
- Q Was it in the spring of the year? A I believe it was in the
fall; I am not sure but it was in warm weather.
- Q Was it before your marriage to your present wife? A Why
certainly.
- Q When were you married to your present wife? A I was married
to her in; I got the divorce in the fall I believe and was married
to her, I believe, in July, I am not sure that I am right about
that.
- Q What year? A That was, married about 19 years, let me see;
about 1883; I guess my divorce will show about what time.
- Q That is 19 years ago? A Yes, it would be in 1883, we have been
married nine years; no, I have been married about nine years; it
was in 1893 I guess I married.
- Q This certified copy of the decree of divorce shows that the di-
vorce was granted to you at the fall term of the Court in 1892?
- A Well, that would be right, I was married in-
- Q And the marriage license shows that you were married by G. W.
Gordon on the 31st day of July, 1892.
- A He has just simply got it wrong; Gordon married me; the license
was issued by Garrett.
- Q You were married the day after the license was issued?
- A Yes, sir; I think so.
- Q The license was issued on the 30th day of July, 1892, and you were
married on the 31st day of July, 1892, and from the record it shows
that you weren't divorced from your wife until the fall of 1892?
- A He has got it wrong. He is wrong in the date; it is not my
mistake, it is the mistake of the clerk in writing the divorce.

Q Well, how long was it before your present marriage that you procured the divorce from your first wife? A Well, now, then, I think that I obtained the divorce in the fall, if I mistake not.

Q Of what year? A Well, I could hardly say, but I will say 1892; the record seems to show. When I was divorced after I was married?

Q Divorced from your first wife before you married your second wife? A I was divorced before I was married to my second wife certainly.

Q How long was it before you were divorced from your first wife until you married to your second wife? A That is why I was talking to my father here so I could get at this correctly. I got the divorce the same year that I was married, in the same year, but I got the divorce the spring term of Court, if I mistake not, and I was married in July, the 1st or 21st of July, the best of my recollection; I am not stating this positive. But as to the best of my remembrance I was married the same year I got the divorce in the spring I will not say for sure, but I think it was in July or August I married my second wife.

Q As a matter of fact you don't know what time this divorce was procure d? A No, sir; I went twice to get the divorce.

Q Now, when was the first time you went? A That was in the fall term, I am pretty sure if I study about it because I taken a load of wheat up there and I remember there was a little clash and I didn't get the divorce. It went on until the next spring and I went up in the Spring and got the divorce. In 1891, I went up there that year, first applied for the divorce and then in the fall of '92; no, the spring of '92, I got the divorce and then in July I was going to say in July, I married to this woman I now live with.

Commission: Cause continued by agreement until the 21st day of March, in order to give the applicant an opportunity to introduce further testimony as to the date in which he was granted divorce from his former wife and the date of his marriage to his present wife.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Washgto., D.C., October 21, 1902.

In the matter of the application of James Bradshaw for enrollment as an intermarried Cherokee.

James B. Bradshaw, called as a witness, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A James B. Bradshaw.
Q How old are you? A About 67.
Q What is your postoffice address? A Peggs, I.T.
Q Are you a white man? A Yes sir.
Q Claiming the right to be enrolled as a Cherokee citizen by intermarriage?
A Yes sir.
Q What is your wife's name? A Nora Bradshaw.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife Nora been living in the Cherokee nation? A She was born and raised here.
Q Lived in the Cherokee nation all her life? A No sir.
Q She has not? A No sir.
Q When were you married to her? A Married July 29, 1892.
Q Married under a Cherokee marriage license? A Yes sir.
Q Is Nora your first wife? A No sir.
Q How often had you been married before you married Nora? A Once.
Q What was the name of your first wife? A Alice.
Q Was she a white woman? A Yes sir.
Q Is she dead? A No sir.
Q Are you divorced from her? A Yes sir.
Q Were you divorced from her before you married your wife Nora? A Yes.
Q That was the only time you had ever been married before you married Nora? A Yes sir.
Q Had Nora ever been married before she married you? A No sir.
Q You are her first husband? A Yes sir.
Q Have you been living with your wife Nora ever since you first married her? A Yes sir.
Q You have never been separated? A No sir.
Q And are living together now? A Yes sir.
Q Have you been living in the Cherokee nation ever since you were married?
A No sir.
Q Where have you been living? A I worked from February to September, from six to eight months for my uncle just across the line in Arkansas.
Q What year was that? A I think it was 1894.
Q Is that the only time you have been out? A The only time, yes.
Q You weren't making your home down there? A No, all my effects were in the Cherokee nation except my wife.
Q You were only out temporarily? A That's all; working for my uncle a little while; he was sick.

Examination by Mr. Starr, Cherokee representative.

- Q When was this divorce granted between you and your first wife? A I think June 2, 1892, and I was married the same year in July.
Q Are you sure it was granted in June? A Yes, I have had enough trouble about that; I about know when it was granted.

Francis B. Kane then again stated that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled case, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Subscribed and sworn to before me this October 23th, 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James B. Bradshaw for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

—ooo—

The record in this case shows that on October 22, 1900, James B. Bradshaw appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 8, 1902, and on October 31, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that James B. Bradshaw was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 31, 1892, to one Nora Gier, a citizen by blood of the Cherokee Nation. The said marriage was subsequent to a divorce which he procured from a former wife, a white woman. He is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said James B. Bradshaw has lived with his said wife continuously in the Cherokee Nation since his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that James B. Bradshaw should be enrolled as a citizen by intermarriage of the Cherokee Nation, under the provisions of Section twenty-one of the Act of Congress approved June 26, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

James B. Bradshaw
 Against
 Alice Bradshaw

On this day this Cause came on to be heard upon the Complaint of the Plaintiff and the Defendant. Alice Bradshaw having been duly and legally notified of the nature and pendency of this suit and having wholly failed to plead answer or demur therein and it appearing to the Court that the Plaintiff James B. Bradshaw and the Defendant Alice Bradshaw were legally intermarried in this County and State on the 18th day of August 1886 and that the Defendant willfully abandoned this Plaintiff on the 10th day of August 1887 and that the said Defendant has continued said abandonment for more than one year next before the filing of this Complaint.

It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony between the said P^l and D^f be and the same is hereby dissolved and the P^l is hereby restored to all the rights and privileges of a single and unmarried person and that the D^f herein have the custody of the Child and it is further ordered adjudged and decreed that the P^l pay all

The cost laid out and Expended
herein

28th day

Thursday Morning June 2nd 1892
Met Court pursuant to adjournment
present and presiding the same as
Yesterday when the following proceedings
were had and done to wit:

J. F. P. Galtmuth The duly qualified
Circuit Clerk of Benton County Ark-
ansas hereby Certify that the above
is a true and perfect copy of a
decree entered in Chancery Book
D. Pages 423 and 440.

Given under my hand and
Seal of said Court at Bentonville
This March 14th 1892

J. F. P. Galtmuth
Circuit Clerk and Recorder

Fees \$1.00

COMMISSIONERS:
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-738.

ADDRES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

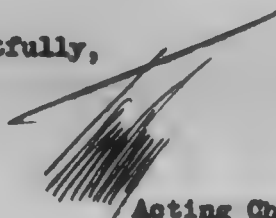
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of James B. Bradshaw for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-242.

James B Bradshear

A Pres. & testimony of 10/29/00

B. Mar. of 11/1/00 & 10/29/00

C Official copy of marriage license & certificate

D Certified copy of decree of divorce

E Notice of final consideration, 3/8/02

F Receipt for testimony

G Supplementary testimony 3/8/02

H

I

J

K

L

M

N

O

P

Q

R

S

L. M. Jones



See Cherokee Jack #5079

Cher D 739

Cher D 739

COPIES

REPAIR
COMMISSION

NOV 11 1961

5-739

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 28th 1900.

In the matter of the application of Mack H. Martin for the enrollment of himself as a Cherokee citizen. He being sworn testified before the Commission as follows:

- Q What is your name? A. Mack H. Martin.
Q What is your post office address? A. Claremore.
Q How old are you? A. 36.
Q Do you live in Cooweescoowee district? A. Yes sir.
Q Who do you want to have enrolled, yourself and family? A. Just myself.
Q Are you a Cherokee by blood? A. No sir.
Q White man? A. Yes sir.
Q Have you a marriage license and certificate? A. Yes sir.
Q Let me see it. Applicant presents a license issued by the Clerk of Canadian District on Feb'y. 13 th 1898, and certificate in accordance therewith showing that his was married to Miss Lucy Miller by the Rev. George T. Wilson on said date. This is filed herewith.
Q Have you lived in the Cherokee Nation ever since your marriage until now? A. Most of the time.
Q What have you been doing the balance of the time? A. Visits to see my relatives in Arkansas, Colorado and Colorado.
Q How long did you live with your wife? A. From the time I married her until October 1893 when she died.
Q Did you live with her until she died? A. Yes sir.
Q Have you ever married since her death? A. No sir.
Q Were you ever married before? A. No sir.
Q Was she ever married before? A. No sir.
Q When she died in 1893 how long did you continue to live here? A. Made this my home ever since.
Q When did you go to Arkansas? A. Went to Arkansas three years ago.
Q Is that the first time that you went out? A. Yes sir.
Q How long did you stay? A. About a month.
Q Then you came back here? A. Yes sir.
Q How long did you stay here? A. Until I went to Oklahoma last winter.
Q When did you ~~get back~~ get back from Oklahoma? A. Wasnt gone but about two weeks to Oklahoma.
Q What did you do then? A. Went to Colorado last part of last winter.
Q When did you go to Oklahoma? A. Just before Christmas.
Q When did you go to Colorado? A. In January.
Q How long did you stay there? A. Got back the 11th of October, this month.
Q What did you do out in Colorado all that time? A. Worked some.
Q What kind of work? A. On the farm some and in the timber some.
Q Was working for my uncle.
Q Didnt you go out there to make your home? A. No sir.
Q Where have you voted all this time? A. Never voted at all.
Q Were you working for wages in Colorado? A. Yes sir some.
Q When you were not working for wages what were you doing? A. Staying with my uncle.
Q How long did your wife live in the Cherokee Nation? A. I think they moved here the last time in 1887.
Q Where did they come from? A. Arkansas.
Q Did she ~~remain~~ live here continuously from 1887 until she died? A. Yes sir.
Q Was she admitted to citizenship by the Cherokee council or Commission? A. Yes sir.
Q Have you a certificate of her admission? A. Yes sir. (Hands Commissioner some papers)
Q It seems that your people have made application before the Dawes Commission? A. Yes sir.
Q And you made application? A. Yes sir.
Q Then you were refused enrollment in 1898? A. No sir.
Q Why did you then apply to the Dawes Commission if you were not in trouble about your enrollment? A. I was the last one to be enrolled.

Q They did not take you bodily before the Commission did they? A. No sir.

Q Why do you say it was the lawyers doings? A. They said that I would have to have my name upon the '80 roll.

Q Why the 1880 roll is passed some 20 years ago, you are evidently talking of something else.

Q How old was your wife when she died? A. Think she was about 31 years old to the best of my knowledge.

Q What was the name of her mother? A. Sarah Miller.

Q When did her mother come to the Cherokee Nation? A. She came in 1887.

Q Is she living? A. Yes sir.

Q Has she lived here ever since 1887? A. Yes sir.

Q Where is the original of the certificate to admission to Cherokee citizenship? A. I have a copy, Mrs. Miller has the original. 1896 roll, page 514, No 647, Maack H. Martin, Cooweensoowee, adpt. White. The applicant presents an un-official copy of a certificate of admission showing that Lucy J. Miller, among others, was admitted to citizenship by the Cherokee Commission on the 6th of June 1889.

Q. Did you take your household effects when you went to Colorado or elsewhere? A. No sir.

Q Have you any back here now? A. Yes sir.

Q Have you any land in cultivation? A. Yes sir.

Q Did you have any land in cultivation when you went away? A. Yes sir.

Q Where is it? A. 7 miles west of Claremore.

Q Who is on it now? A. My brother.

Q Who rented it before? A. Never had it rented out until this year.

The applicant is identified on the 1896 roll as an adopted white. He states that his wife was admitted to citizenship by the Cherokee Commission in 1889, but is not able to produce an official copy of the certificate of admission at this time. He states that she came to the Cherokee Nation in 1887 and lived here until her death. That neither he nor she were previously married, that he lived with her from the time of their marriage until her death, and that since then he has not re-married. He establishes his residence in the Cherokee Nation in a satisfactory manner, and is shown by a license and certificate filed herewith, to have married his wife in accordance with the Cherokee laws in 1892. To await an official copy of admission of his wife he will now be placed on a doubtful card as a Cherokee by inter-marriage.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

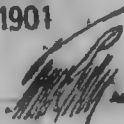
Chas von Weise

Subscribed and sworn to before me this the 28th of October, 1900.

W. D. E.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901



ACTING CHAIRMAN

739

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee. T. January, 28th 1901.

In the matter of the application of Mack H. Martin for enrollment as a Cherokee citizen. SUPPLEMENTAL TESTIMONY. D-730.

MAUR H. MARTIN, being duly sworn before Commissioner Needles, testi-
fied as follows-

Q What is your name? A. Mack H. Martin.

Q What is the name of your wife? A. Lucy Miller was her maiden name.

The applicant presents a certified copy of a certificate of admission to Cherokee citizenship issued from the office of the Commission on Citizenship at Tahlequah, signed by Will P. Ross, Chairman, John E. Gunter, Commissioner, attested by D. S. Williams, Assistant Clerk of the Commission, certifying that on the 6th of June 1889, among others, one Lucy Miller was duly admitted to Cherokee citizenship.

Q In the certificate which you present, I find as having been admitted to Cherokee citizenship, one Lucy Miller, is she the identical person whom you now claim to be your wife? A. Yes sir.

Q Is your wife living? A. ~~Yes~~. No sir she is dead.

Q Have you married since the death of your wife? A. No sir.

By W. W. Hastings, Cherokee representative—

Q Did you apply to the Defense Commission for enrollment? A. Yes sir at Claremore.

Q Was that the first time? A. No sir, the lawyers came in 1887 and had me to send my papers in.

• • • The applicant presents satisfactory proof of the admission of his wife to Cherokee citizenship, same only being necessary for his enrollment, not having been filed when he made his original application. The testimony is deemed sufficient to complete his enrollment as a Cherokee citizen by inter-marriage.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

Chas. von Meise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes as reported in full the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

I subscribed and sworn to before me this 28th of January, 1901..

Chasou Wrice

[Signature]
Commissioner.

Commissioner.

COMMISSIONER

FILED
1910

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RECEIVED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1901.

In the matter of the application of Jack H. Martin for enrollment
as a citizen of the Cherokee Nation.

Supplemental Statement.

On January 28, 1901, there was filed with the Commission
a duly certified copy of the proceedings of the Cherokee Commission
on Citizenship from which it appears that Mary Wicker, among others,
was on June 6, 1889, admitted to citizenship in the Cherokee Nation
"under the provisions of the Act of December 5, 1885, creating this
Commission on citizenship".


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mack H. Martin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 29, 1900, the applicant, Mack H. Martin, appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further testimony was submitted in this case on January 28, 1901 at Muskogee, Indian Territory.

It appears from the evidence in support of this application and from the records of the Cherokee Nation in possession of this Commission that Lucy Miller was readmitted to citizenship in the Cherokee Nation on June 6, 1889. She was lawfully married to Mack H. Martin a white man on February 12, 1892 under authority of a Cherokee marriage license; she died in the year 1893. Mack H. Martin has not remarried since the death of his wife, Lucy Martin. He is duly identified on the 1896 Census Roll of the Cherokee Nation.

The authority of the Commission herein is defined in Par. 1, Sec. 21, of the act of Congress, June 28, 1898 (30 Stats., 498).

It is therefore the opinion of this Commission that Mack H. Martin is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for his enrollment as such should be granted.

and it is of course

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

[Handwritten signature]
S. H. DILLON

[Handwritten signature]
S. H. DILLON

Winkoos, Indian Territory,

June 9 - 1902

200-100-2-750

COMMISSIONERS
HARRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDES,
C. R. BRECKINRIDGE

ALLISON L. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Char. D-730.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 9, 1902.

W. V. Hastings, Esq.,

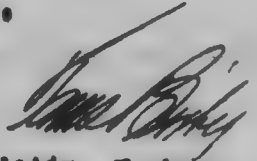
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Mack E. Martin for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,


Acting Chairman.

Encl. D-730.

Mack H. Marten

A Original testimony of '92/93

B Memo. of application of '94/95

C Supplementary testimony of '98/99

D Marriage license and certificate

E Certified copy of Admission to

Citizenship.

F. Supplemental statement, 7/28/07.

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ACTING CHAIRMAN

[illegible]

DEPARTAMENTO DE INSTRUCCIÓN

[illegible]

OLIVE OIL

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHICKASAW DISTRICT, OCTOBER 29th, 1900.

IN THE MATTER OF THE APPLICATION OF William H. Watkins for the enrollment of himself, wife and ~~two~~ children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your name? A William H. Watkins.
Q How old are you? A Thirty three.
Q What is your Post Office? A Poyil.
Q Do you live in Chickasaw District? A Yes sir.
Q Who do you want to have enrolled; yourself and family?
A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Two.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate? No response.
The applicant presents a Cherokee license and certificate; the license issued by the Clerk of Tahlequah District, and the certificate being in accordance therewith, showing that he was married on November 11th, 1894, to Miss Amanda R. Tucker, by the Reverend R. H. Leasing. They are filed herewith.
Q Have you lived with your wife and in the Cherokee Nation ever since you married in 1894? A Yes sir.
Q Were you ever married before? A No sir.
Q Was your wife ever married before? A No sir.
Q How old is your wife? A Twenty four.
Q Give me the name of her father? A Marcus L. Tucker.
Q Is he dead or alive? A Alive.
Q Give me her mother's name? A Rhody J.
Q Is she dead or alive? A Alive.
Q How long has your wife lived in the Cherokee Nation?
A Ten years.
Q Was she admitted to Cherokee citizenship? A Yes sir.
Q Let me see the certificate of her admission? A Her father has it.
Q Did your wife or family ever apply to the Dawes Commission for citizenship? A No sir.
Q Did they apply to the Cherokee Council or Commission for citizenship? A They applied to the Court of Claims at Tahlequah in 1892.
Q Give me the names of your children? A Myrtle R., age three years.
Harley V., born last June.
(1896 Roll, Page 709, #1899, Mandy R. Watkins, Flint D'st)
(1896 Roll, Page 714, #79, William H. Watkins, Flint D'st)

The applicant applies for the enrollment of himself, his wife and two children. He is shown to have married his wife in accordance with Cherokee law in November, 1894; He is identified on the roll of 1896, and states that he has lived with his wife ever since he married her; The license and certificate are filed herewith.

He will be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card, to await evidence of his wife's admission to citizenship; His wife is identified on the 1896 Roll, as a native Cherokee; The applicant avers that she was admitted to citizenship by the Cherokee Commission, or Court of Claims, as he calls it, some ten years ago; and that she has lived in the Cherokee Nation ever since her admission; He further avers that neither he nor his wife were ever previously married; She will be listed as a Cherokee by blood, but upon a doubtful card, to await an official copy or certificate of her admission.

When certificates are furnished as to the births of the two children, whose names are mentioned in the testimony, they too will be listed for enrollment upon a doubtful card, as Cherokees by blood to await evidence of the admission of their mother to citizenship.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Chambers

Subscribed and sworn to before
me this 25th day of October, 1906.

M. S. E.

NOTARY PUBLIC.

Department of the Interior,
Commission to the Five Civilized Tribes,
Glasgow, I.T., November 12, 1900.

In the matter of the application of William H. Watkins for the enrollment himself, wife and two children as Cherokee citizens; (Applicant having been previously sworn)

Com'r Brookbridge: He now swears and presents a duly authenticated certificate of admission to citizenship of sundry persons under date of October 22, 1890, and among them appears the name of Anna Elizabeth Tucker, aged at that time 11 years.

Q That is the name of your wife at that time is it? A Yes sir. Com'r: This is recognized as official evidence of the admission of his wife, as stated.

Q You were sworn before weren't you? A Yes sir.

Q When did your wife come to the Cherokee nation? A I don't know exactly, it was about 1890 I think, to the best of my knowledge.

Q Has she lived here ever since she came? A Yes sir.

Com'r: The certificate requires that persons admitted shall become bona fide citizens of the Cherokee Nation within one year from the time of admission, and this date of removal to the Cherokee Nation shall be required as a condition precedent to the delivery of the certificate of admission; the applicant's wife therefore is deemed by the possession of this certificate to have complied with the conditions stated; the document is returned to the applicant as it involves the rights of others.

N.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of November 1900.

[Signature]

Commissioner.

Supl.-C.D.#740.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM H. WATKINS, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter.

Mr. J. C. Starr, Cherokee Representative, present.

Commission: There is offered in evidence a certificate from the Cherokee Commission on Citizenship showing that the applicant's wife, Amanda Elizabeth Tucker, age at that time, 11 years was admitted to citizenship on the 22d day of October, 1889, by the Cherokee Commission on Citizenship. It is filed herewith.

The applicant having this day, to-wit: the 8th day of March, 1902, been called and failed to respond either in person or by attorney, it is directed that the case be closed, and that the same be submitted to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the the proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of his stenographic notes.

J. O. Rosson
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 17, 1902.

In the matter of the application of William H. Watkins as a citizen by intermarriage, and for the enrollment of his wife, Amanda E. Watkins, and his two minor children, Myrta E. and Harley V. Watkins, as citizens by blood, of the Cherokee Nation.

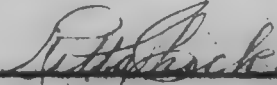
SUPPLEMENTAL PROCEEDINGS.

WILLIAM H. WATKINS, being sworn, testified as follows:

By the Commission,

- Q What is your name? A William H. Watkins.
Q How old are you? A Thirty-five.
Q What is your postoffice? A Foyil, Indian Territory.
Q Are you a white man? A Yes, sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is your wife's name? A Amanda.
Q Any other name? A Amanda Elizabeth.
Q Is she a Cherokee by blood? A Yes, sir.
Q Is your wife an admitted citizen? A Yes, sir.
Q When was she admitted? A '98, I think, I won't be positive.
Q '98? A '89, I think that's it.
Q When did she come to the Cherokee Nation? A In the year '90.
Q About a year after her admission? A I think so, but I won't be positive about it.
Q Has she been living in the Cherokee Nation ever since 1890?
A Yes, sir.
Q When were you married to her? A November 11, '94.
Q Were you married under a Cherokee marriage license? A Yes, sir.
Q Is Amanda E. your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Have you and your wife been living together ever since your marriage? A Yes, sir.
Q Living in the Cherokee Nation? A Yes, sir.
Q You have had no home elsewhere? A Sir?
Q You have not lived anywhere else except in the Cherokee Nation?
A No, sir.
Q How many children have you by your wife, Amanda? A Two.
Q Are they both living? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.


Subscribed and sworn to before me this 17th day of November, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William H. Watkins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Amanda E. Watkins, and his two minor children, Myrta E., and Harley V. Watkins, as citizens by blood of the Cherokee Nation.

DECLARATION.

The record herein shows that on October 29, 1899, William H. Watkins appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Amanda E., and his two minor children, Myrta E., and Harley V. Watkins, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory, on November 12, 1899, and at Muskogee, Indian Territory, on March 8, and October 17, 1900.

The evidence shows that Amanda E. Watkins, under her maiden name of Amanda Elizabeth Tucker, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, on October 22, 1889, and that she removed within the limits of the Cherokee Nation within one year from said date as required by the conditions of her admission. William H. Watkins, a white man, was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on November 11, 1894, to the said Amanda E. Tucker, and the minor children herein are the issue of that marriage. William H. Watkins and his wife are identified on the Cherokee census roll of 1896, and their children are identified by birth affidavits made a part of this record.

The evidence further shows that William H. Watkins and his wife, Amanda E., have been residing in the Cherokee Nation, and have lived together as husband and wife, from the time of their marriage up to and including September 1, 1900.

It is, therefore, the opinion of this Commission that William H. Watkins should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Amanda E. Watkins, Myrta E. Watkins and

Harley V. Watkins would be enrolled as witness by blood of the
Cherokee Nation, in accordance with the provisions of section twenty-
one of the Act of Congress approved June 25, 1906 (34 Stat., 425),
and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tama Birby

1907-2

(SIGNED)

I. B. Needles

Consular Officer

(SIGNED)

C. R. Breckenridge

Commissioner

Dated at Muskogee, Indian Territory,

this

WAR - 2 1903

COMM. STAMP
TAMM BIXBY,
THOMAS H. NEEDLE,
C. R. BRECKINRIDGE,
W. F. STANTON

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-740

ALLISON AYLESWORTH
SECRETARY

ADDRESS TO THE
MAJORITY OF THE

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

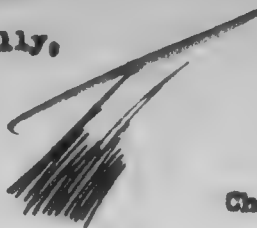
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of William E. Watkins for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Amanda E., and his two minor children, Myrta E. and Harley V. Watkins, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. K-220

William H. Watkins

et al

A Original testimony of '92/10

B Memo of Application of '92/10

C Supplementary testimony of '12/10

D Marriage license and certificate

E Birth certificate of Myrta E. Watkins

F Birth certificate of Harley V. Watkins

G Notice of final consideration, 3/8/02

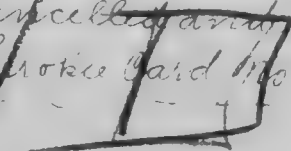
As

cert of admission

and closing test. 3/8/02

See Cherokee Card No. 1104

Cancelled and transferred to
Cherokee Card No. 1104



Cher D 741

Cher D 741

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., October 20, 1908.

In the matter of the application of Thomas B. Brown for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood; he appearing before the Commission, and being sworn and examined, testified as follows:

- Q What is your name? A Thomas B. Brown.
Q What is your age? A 48 years.
Q What is your post office? A Collinsville.
Q Do you make application for enrollment as a citizen of the Cherokee Nation by blood? A No, sir, by adoption.
Q For whom do you make application? A Myself, wife and five children.
Q What district are you living in? A Coconawhatchee.
Q How long have you lived in the Cherokee Nation? A 16 years.
Q Have you been outside the Cherokee Nation at any time within the past three years? A No, sir.
Q What is the name of your father? A William.
Q Is he living or dead? A He is dead.
Q Is he a white man? A Yes, sir.
Q What is the name of your mother? A Martha.
Q Your mother living? A No, sir.
Q Was she a Cherokee by blood or a white woman? A White woman.
Q Were your parents ever recognized as citizens of the Cherokee Nation? A No, sir.
Q Are you married? A Yes, sir.
Q What is the name of your present wife? A Jennie Ann.
Q Is she living? A Yes, sir.
Q How old is she? A 38 years old.
Q She a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood does she claim? A 1/8.
Q How long has she resided in the Cherokee Nation? A She was born and raised here.
Q Has she been outside the Cherokee Nation at any time within the past three years? A No, sir.
Q What is the name of her father? A John Little.
Q Is he living or dead? A He is dead.
Q Was he a Cherokee by blood or a white man? A White man.
Q What is the name of your wife's mother? A Ellen.
Q Is she living? A No, sir, she is dead.
Q Was she a Cherokee by blood or a white woman? A Cherokee by blood.
Q Does your wife's name appear upon the 1880 roll? A Yes, sir.
Q In what district was she living in 1880? A Sequoyah.
Q What was her name at that time? A Jennie Little.
Q When were you married? A I was married in 1887.
Q Have you any evidence of your marriage? A Yes, sir, I was married first according to the usages of white people in here, and after that came to this district and married according to the Cherokee laws.
Q When were you first married? A In 1887.
Q Under what law? A I don't know what law you would call it.
Q You were not married at that time in accordance with the laws of the Cherokee Nation? A No, sir.

(The applicant presents a Cherokee license authorizing the marriage of T. B. Brown and Miss John Little, a citizen of the Cherokee Nation, issued on the 18th day of June, A.D., 1888, by H. H. Trot, Clerk of Coconawhatchee District, per T. B. Brown, deputy, and a certificate showing that said marriage was performed by A. A. Brown, a minister of the Gospel, on the 19th day of June, 1888. The same is filed herewith.)

Thomas B. Brown - 2.

Q Have you lived with your wife continuously since you married her in 1887? A Yes, sir.

Q Were you ever married before? A No, sir.

Q Was she? A Yes, sir.

Q What was the name of her former husband? A Will Fern.

Q Is he living or dead? A I don't know whether he is or not.

Q Was he a Cherokee or a white man? A White man.

Q Was your wife ever divorced from him? A No, sir, he had a living wife at the time.

Q I understand you to say he had a living wife when he married your wife? A That is what was the understanding.

Q She never secured a divorce from him? A No, sir, not that I know of.

Q Have you any witnesses by whom you can prove that he had a living wife at the time he married your present wife? A No, sir, not here.

Q How long did they live together? A Only a short time I think.

Q A week or two weeks? A Something like that I think, I don't know just how long they did live together.

Q Did he hold her out to the community as his wife? A I suppose so.

Q And she thought she was legally married to him? A Yes, sir, at the time I suppose so.

Mr. J.C. Starr, representative of the Cherokee Nation: You say that your wife, Johnnie A. Little, was married before you married her?

A Yes, sir.

Q Did she secure a divorce from her former husband before you married her? A Not that I know of.

Q Is he living yet? A I don't know, he left the country.

Q When did he leave the country? A I can't tell you just when, about 1885 or 1886 I think, a year after they were married.

Q You think he was living at the time you were married to you wife? A No, sir I don't know, I don't know anything about him, I knew nothing of him.

Q How long after your wife was married to her first husband was it before you were married to her? A About a year I suppose.

Q How long was it before you was married to your wife until he left the country; how long before you were married to your wife was it that this man left the country? A I don't know; all I know about it is just in array.

The Commission: Give me the names of the children when you now desire to make application for? A Sarah E.

Q How old is that child? A She is 15 years old.

Q What is the name of the next child? A Laura Ethel, 11 years old.

Q What is the name of the next child? A John L., he will be 3 years old the 8th day of January.

Q What is the name of the next child? A Addie May, 5 years old.

Q What is the name of the next child? A Martha Ellen, 3 years old.

Q These children all alive and living with you at the present time? A Yes, sir.

Q You are the father of all the children? A I suppose so.

Q Your present wife is the mother? A Yes, sir.

(Johnnie A. Brown on 1880 roll, page 708, No. 308, Johnnie Little, Bequeyah district; on 1890 roll, page 100, No. 308, Johnnie A. Brown, Cooweescoowee district. Thomas B. Brown on 1880 roll, page 204, No. 67, Cooweescoowee district. Sarah E. Brown on 1880 roll, page 100, No. 308, Sarah E. Brown, Cooweescoowee district. Laura E. Brown on 1880 roll, page 100, No. 310, Laura E. Brown, Cooweescoowee district. John L. Brown on 1880 roll, page 100, No. 311, John L. Brown, Cooweescoowee district. Addie M. Brown on 1880 roll, page 100, No. 312, Addie M. Brown, Cooweescoowee district.)

The applicant applies for the enrollment of himself, his wife and five children. He is identified upon the census roll of 1880 as

Thomas B. Brown - 3.

an adopted white. He presents satisfactory evidence of his marriage in accordance with the laws and customs of the Cherokee Nation on the 19th day of June, 1898. He avers that his wife was previously married to one William Penn, a white man, but that her marriage to said Penn wasn't legal for the reason that Penn at that time had a wife living from whom he had never been divorced. He produces no satisfactory evidence as to this fact, and for that reason his name will be placed upon a doubtful card for the further consideration of the Commission, and when final decision is rendered in his case, he will be notified at his post office address, in writing. He has lived in the Cherokee Nation for 16 years and will be listed for enrollment as a citizen by intermarriage.

His wife is identified on the 1890 authenticated roll under her maiden name, and upon the 1898 roll under the name of her present husband. She is a native Cherokee, has lived in the Cherokee Nation all her life, and will be enrolled by this Commission as a Cherokee citizen by blood. His four oldest children are identified upon the census roll of 1898 as native Cherokees, and they also will be enrolled as native Cherokees, satisfactory proof as to their residence in the Cherokee Nation having been given. When he filed with this Commission satisfactory proof as to the birth of his youngest child, this child also will be listed for enrollment with its mother as a citizen by blood of the Cherokee Nation.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 30th of October, 1900.

W. H. Miller

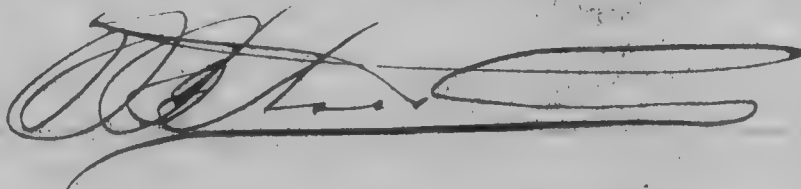
Commissioner.

Supl.-C.D.#741.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of THOMAS B. BROWN
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee Indian Territory, on the 8th day of March, 1902, and on said day he might appear before the Commission either in person or by attorney and an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of the Commission's letter. The applicant having this day, to-wit the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D.C., June 18, 1902.

In the matter of the application of Thomas B. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-741.

APPEARANCES:

Applicant in person.

W. W. Hastings in behalf of Cherokee Nation.

COMMISSION: The applicant in this case was notified by registered letter June 2, 1902, to appear before the Commission at its offices in Muskogee, Indian Territory, on or before June 17, 1902, and submit further evidence in the matter of his application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. The applicant this day, to wit the 18th day of June, 1902, appears in person.

TOM THOMAS, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Thomas.
Q Thomas what? A Tom Thomas.
Q How old are you? A I am 38 years old.
Q What is your postoffice address? A Muldrow.
Q Are you acquainted with the applicant in this case, Thomas B. Brown? A Well part of it I am I guess.
Q What do you mean by that; aren't you acquainted with him? A Yes, sir, I am acquainted with him.
Q How long have you known him? A Well I don't know how long, somewhere in 1880; ever since I have been in the country though.
Q What is his citizenship? A Well he married according to the Cherokee law.
Q He himself is a white man is he? A Yes, sir, I suppose so.
Q Do you know his wife's name? A Yes, sir.
Q What is it? A Well her name is Little.
Q Her given name? A Jehucie Little.
Q Is she living? A I suppose so; he says that she is.
Q What's her citizenship? A Cherokee by blood.
Q What do you know concerning the marriage of these two persons? A Well I suppose what they wanted me for, she first married a man by the name of Penn-it wasn't a lawful marriage though I suppose; that's what Judge Parker claimed, and his woman came there from Ross County and filed information, and I went to serve the papers on him for bigamy, and he ran away from that country.
Q You served the papers on her first husband? A No, he got away; I never did get him.
Q He was charged with what? A Bigamy from the Fort Smith court.
Q Was he a Cherokee or a white man? A White man; he had a wife and two children.
Q How long have you known the applicant's wife Jehucie? A Ever since she was a child, I've.
Q Did you know her husband William Penn personally? A No, sir.
Q Do you know anything about her marriage to him? A Yes, sir.
Q How long did they live together? A Only a moment; I didn't see it.
Q Do you know how long they lived together as man and wife? A Well I don't think they lived together but a little while, maybe I

reckon six months, maybe not that long.

Q Have you ever seen her husband William Penn since he was charged with bigamy? A No, sir.

Q About when was that, about what year? A As well as I recollect it was '88, of course I won't say positively, it might have been '87.

Q Was that prior to the marriage of Thomas Brown? A Before Thomas Brown's marriage. She was quite young when she married Penn.

Q Do you know whether or not divorce proceedings were ever instituted by William Penn or his wife Jennie after their separation? A No, sir, only hearsay; her grandfather went to Judge Parker and asked him, and he said he didn't need any-it wasn't a legal marriage.

Q Where did her grandfather live? A Right on the mountain above Muldrow near Jackson King's place; Jackson King was her grandfather.

MR. HASTINGS: You know Judge Parker never did have jurisdiction over a civil suit where a person lived in the Indian Territory. A They tried lots of them there.

Q Divorce proceedings? A Yes, sir, where a white man come in the Nation here and married a Cherokee woman.

Q You are as positive about that as you are about my statement you have been making? A Well, no, I am not, if it was a citizen of this country; but he was no citizen; he just married the woman by a preacher here; no petitioners whatever.

Q You know that Judge Parker never did try a civil suit as between people living on this side of the line and grant a divorce? A No, no, there was no divorce except there; I thought you was speaking about bigamy.

Q That was on the criminal side of the docket? A Yes, sir, I am hard of hearing, too.

Q When was this that you had papers for the arrest of William Penn? A Well it was somewhere about '87, as well as I can remember; I could have found out to go and examine the dockets, if it had been docketed; the warrant might never have been docketed because it was never served.

Q Was Mr. Brown's wife ever married to anybody else other than Mr. Penn? A No, never was.

Q You knew her? A I knew her ever since she was a child; I suppose she was two years old when I went to the country in '74, maybe three.

Q And she married about when? A Well I couldn't tell you the dates exactly, she married him at about sixteen years old, it was eighty something, and about two years from that, I think it was something near two years, she married Brown.

Q Did she have any children by Penn? A No, sir.

Q You don't mean two years after she married Penn she married Brown, do you? A About two years as well as I can remember after her marriage to Penn before she married Brown.

Q How long did she live with Penn? A It couldn't have been six months, probably not three; I couldn't tell you exactly; they lived out of the way from where I lived, they lived right up on the top of the mountain, and I lived in eight miles of Fort Smith.

Q Do you know from what county or state it was alleged that Penn had a living wife? A In Boone County.

Q Missouri? A Arkansas. I see the woman when she came there to file the information to get the warrant, and she had one child with her, but she said she had two children by Penn.

Q Do you know the county seat of Boone County? A It's Harrison, ain't it? I expect it is, I don't know.

COMMISSIONER: (of applicant): Do you want to ask him any questions, Mr. Brown.

MR. BROWN: No, sir, don't know as I do.

E. M. WATTS, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A E. M. Watts.

Q How old are you? A I am 30.

Q What's your postoffice address? A Millersburg.

Q Are you acquainted with the applicant in this case, Thomas B. Brown? A Yes, sir.

Q How long have you known him? A Why I have knowed him, that is I became acquainted with him about I suppose fifteen years ago.

Q Do you know his wife Jennie? A Yes, sir.

Q How long have you known her? A Well I have known her since they married; I suppose fifteen years ago, they moved in that country there.

Q Where was he living when he was first married to her? A Living in Sequoyah District.

Q Had you known his wife prior to that time at all? A Yes, sir.

Q How long have you known her? A Well I have known her for several years, five or six years.

Q Before that? A Before that.

Q Do you know whether she was ever married before she married this man? A Yes, sir.

Q What was the name of her first husband? A Penn.

Q How long had you known him? A Well, I just know him when he was a boy, but then he had just come into that country and hadn't been there but a short time until he married her.

Q Do you know whether or not Penn was ever married before he married the applicant's wife? A His mother informed me that he was is all I know.

Q Do you know whether his wife was living or whether he had been separated from her before he married this woman? A She was living then and is yet living, so his mother told me.

Q Do you know where she is living? A What's the county seat of Harrison?

Q Well do you know anything concerning the separation of William Penn and his first wife? A No, sir, I do not.

Q Do you know whether they were ever divorced? A Never was until seven years ago.

Q He was never divorced from his first wife until seven years ago? A No, sir, that's the information that his mother give me.

MR. HASTINGS: How long have you known Mr. Brown? A Well, Mr. Brown came into that country in Sequoyah, I knew him off and on for two or three years; I haven't been acquainted with him since he married, left that country.

Q Was he ever married before? A Not that I know of.

Q Was his wife ever married before she married Penn? A No, sir.

Q That was her first marriage? A That was her first marriage, of course she was young; she was old Jackson King's granddaughter, and I lived there in two or three miles, and I knew her from a child.

Q How long did she and Penn live together? A Why I don't think that they lived together over three months, just during the summer, but a short time at least say way.

Q He left that country did he? A Yes, sir, he left that country.

COMMISSIONER: Do you know anything about the cause of their separation? A I never know anything about the cause of his separation; I think, at least the marshals was after him for something, I don't know what; the marshals was at my house, and said they were hunting Penn.

Q Did they say for what reason? A I think for living in adultery.

Q Have you ever seen him since he left this woman, the applicant's wife? A Why last fall or last winter like, latter part of the winter, or the early part of the fall, he came back to Millersburg and

was there two or three days; one night I went down to preaching; I was staying at Cottonwood, and my daughter wanted to go down to the preaching; they was holding a big meeting down there, had a new preacher, and we went down there and Penn was there, and I asked who he was, and she said that was Will Penn; I never spoke to him; and in a day or two he left.

Q You never had any conversation with him at all? A No, sir. I just merely asked my daughter who he was.

Q Was it generally understood in the community at the time William Penn left the applicant's wife that he had been previously married to a woman from whom he had not been divorced? A It was generally understood, yes, sir. Of course all we knew was just the points that he married and left his wife over in Deen County, was over there where he came from.

Q (Of applicant): Do you want to ask the witness any questions, Mr. Brown?

MR. BROWN: No, sir.

THOMAS B. BROWN, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Brown.

Q Well give me your first name? A Thomas B.

Q You are the applicant in this case are you? A Yes, sir.

Q Was you ever married before you married this woman? A No, sir.

Q This is your first marriage? A Yes, sir.

Q Why weren't you married in accordance with Cherokee law when you were married in 1887? A Well sir I don't know; I couldn't assign any just reason for not.

Q You have never married in accordance with the Cherokee law until 1887? A 1893, yes, sir, they said I could just go ahead and marry as white people did, and it wasn't really necessary for me to marry in accordance with Cherokee law unless I wanted to, and afterwards I thought it was best to comply with the laws of the Nation and married in accordance with the Cherokee law.

Q You knew your wife had been married before? A Yes, sir.

Q You knew also of the circumstances of her husband's leaving? A Yes, sir.

Q You have been living with your wife, are living with her yet? A Yes, sir.

COMMISSIONER: Did you know her first husband well? A No, sir, I never did see him, had done left the country about the time I came in here I suppose.

Q You don't know then that an attempt was made to arrest him? A No, sir, more than Mr. Thomas told me about six or eight months before I and my wife was married that he had had a warrant for this man up there for Bigamy, that's all I knew.

Arthur A. Grewinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur A. Grewinger

Subscribed and sworn to before me this 21st day of June, 1906.

J. H. Butler
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-741.

In the matter of the application for the enrollment of
Thomas B. Brown as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 29, 1900, Thomas B. Brown appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 16, 1902, and again on October 17, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence in this case shows that Thomas B. Brown, a white man, was lawfully married on June 19, 1893, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Johnnie Ann Little, a citizen by blood of the Cherokee Nation who is identified on the Cherokee Authenticated Tribal Roll of 1880. The said Thomas B. Brown is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Thomas B. Brown has lived in the Cherokee Nation ever since the year 1884, and that he has lived continuously therein with his said wife, Johnnie Ann Brown, ever since his first marriage to her, in the year 1887, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Thomas B. Brown should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamm Parley.

Acting Chairman.

I. B. Needles.

Commissioner.

C. D. Brewster.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB - 1 1903

IN WITNESS WHEREOF, I have hereunto set my hand and seal at the City of New York, this 15th day of November, 1902.

Wm. H. Taft

Subscribed and sworn to before me this 15th day of November, 1902.

Wm. H. Taft

COMMISSIONER OF THE

NOV 20 1902

Wm. H. Taft
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, La. B., October 17, 1905.

In the matter of the application of Thomas B. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Thomas B. Brown.
Q How old are you? A Forty-four.
Q What is your postoffice? A Jolietville.
Q Are you a white man? A Yes sir.
Q Are you an applicant to be enrolled as a Cherokee citizen by intermarriage? A Yes sir.
Q What is your wife's name? A Johnnie A. Little.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife lived in the Cherokee Nation? A She was born and raised here.
Q Lived here all her life has she? A Yes sir.
Q When was she married to you? A '87.
Q Were you married under a Cherokee marriage license? A No sir, not at that time.
Q Were you after that time? A Yes sir.
Q When were you married under a Cherokee license? A June, '93 I believe.
Q Is Johnnie A. your first wife? A Yes sir.
Q Are you her first husband? A No sir, she married a man by the name of Penn first.
Q Was he dead when you married her? A No sir.
Q Were they divorced? A He had a living wife and children.
Q This man Penn had a living wife and children when your wife married him? A Yes sir.
Q How do you know that to be so? A I produced evidence in June before the Commission. He wasn't divorced from that woman the time he married her.
Q Was that the only time your wife had been married? A Yes sir.
Q Had you been married before you married her? A No sir.
Q She is your first wife? A Yes sir.
Q Have you and your wife been living in the Cherokee Nation ever since '93? A Yes sir.
Q Never been separated? A No sir.
Q Are you living together now? A Yes sir.
Q Have you made your home in the Cherokee Nation all that time? A
Q Never lived any where else? A No sir.
J. G. STARR: What is the name of your wife's first husband? A William Penn.
Q Where did they live during the time she lived with him? A In Sequoyah District.
Q What was the name of William Penn's living wife that you speak of? A I don't know. I did have her name, but I lost it.
Q Where did they live at the time William Penn and she lived together? A Lived with her grandfather, Jackson King, near Muldrow. He principally raised her wife.

S. Thomas J. Brown.

The undersigned, being duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, he accurately recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. L. DeWitt

Subscribed and sworn to before me this 10th day of December, 1906.

R. L. DeWitt
Notary Public.

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-741.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,

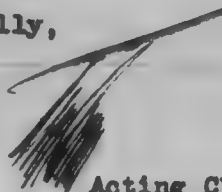
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Thomas B. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-11.

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Cher. D. 741.

Vinita, Indian Territory, February 24., 1903.

Clerk of Boone County,

Harrison, Arkansas.

Dear Sir:-

In the determination of a citizenship case pending before the Commission to the Five Civilized Tribes it is necessary to know whether one William Penn was married in Boone County, Arkansas prior to 1837. Please examine the records for a few years prior to that time and write me what they disclose, and I can write and have a certificate made in case it would be of any service to us.

Yours truly,

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. MTAHN, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Cher. D. 741.

Vinita, Indian Territory, February 24., 1903.

Clerk of the United States Court,

Fort Smith, Arkansas.

Dear Sir:-

In the determination of a citizenship case pending before the United States Commission to the Five Civilized Tribes it is important for us to know whether or not there was an indictment found in the United States Court at Fort Smith, Arkansas, or a warrant issued, charging one William Penn with bigamy or adultery, between 1886 and 1888. Please examine the records and let us know what they disclose about this matter.

Yours truly,

Thomas B. Brown

- A Original testimony of '92/00
- B Memo. of Application of '92/00
- C Memo. relative to marriage license and certificate missing
- D Marriage license & certificate
- E Notice of final consideration, 3/8/00
- F Order closing testimony, 3/8/00
- G

A 15/10/00



See Cherokee Jacket No. 5089

Cher D 742

Cher D 742

Francis J. Kelly 2.

his wives ~~marriage~~ admission. A copy of the decree of his divorce from his first wife is also required. The certificate of admission is returned to applicant.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cases and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 30th of October, 1906.

W. D. Greer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 28th 1900.

In the matter of the ~~marriage~~ application for enrollment of Francis J. Kelly and her husband as Cherokee citizens. She being sworn testified before the Commission as follows-

Q What is your name? A. Francis J. Kelly.
Q How old are you? A. 57.
Q What is your post office? A. Chelsea.
Q What district do you live in? A. Geoweescoowee.
Q Do you want to enroll yourself and family? A. Just myself and husband.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your husband a white man? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. I came here in the year 1890 in April.
Q When did you marry? A. February 11th 1894.
Q What was your name when you married your present husband? A. Brackett.
The applicant presents a duly authenticated certificate of admission to citizenship dated August 10th 1889, admitting Francis J. Brackett age at that time 44 years. The endorsement on the certificate shows that she enrolled in the Executive Department of the Cherokee Nation on May 14th 1890.
Q Did you come here in May, 1890? A. In April.
Q Have you lived here ever since? A. Yes sir.
Q ~~When did you marry your husband?~~ You say you married your husband in 1894? A. Yes sir.
Q Give me his name? A. John Kelly.
Q Let me see your license and certificate. Applicant presents a license issued by the clerk of Tahlequah District on the 31st of February, 1894, authorizing her marriage to her husband as stated by her. The certificate shows that they were united in marriage on the 11th day of the same month and same year by the Rev. Nicholas Betting. She also presents a United States license. These papers are filed herewith.
Q. How old is your husband? A. 57.
Q Were you ever married before you married this husband? A. No sir.
Q Was he ever married before? A. Yes sir in Texas.
Q Was he married more than once? A. No sir.
Q Was his former wife dead then? A. No sir, he was divorced.
Q Have you a copy of the decree of divorce? A. Yes sir.
Q Can you present it now? A. No sir, I haven't it with me, 1896 roll, page 192, No 2649, Francis Kelly, Geoweescoowee.
1896 312 585 John Kelly,

The applicant shows by the certificate cited in the testimony and returned to her that she was admitted to citizenship in August 1889 and she enrolled in accordance with the conditions of her admission before the expiration of 12 months from the date of her admission. She states that she had lived in the Cherokee Nation ever since her admission, and she is identified on the 1896 roll as a native Cherokee. The representative present of the Cherokee Nation protests against the enrollment of this applicant upon the ground of irregularity practiced in her admission, and for the present her application will be placed on a doubtful card to consider that point she being classed as a Cherokee by blood. Her husband is shown to have married her in accordance with the Cherokee laws in 1894. She states that she was never previously married but that her husband was married before in Texas, but that he was divorced at the time of their marriage from his first wife. She is unable at the present time to produce a copy of the decree of divorce. They have lived together ever since their marriage in 1894 and he is identified with his wife on the roll of 1896. He will now be classed as an intermarried Cherokee, but upon a doubtful card to await the consideration of any questions in regard to

Francois J. Kelly 2.

His wife's admission. A copy of the decree of his divorce from his first wife is also required.
The certificate of admission is returned to applicant.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled case and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 10th of October, 1908.

M. J. Kelly
Notary Public

Supl.-C.D.#742.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN KELLEY,
ET AL, as citizens of the Cherokee Nation:

Commission: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter and the applicant this day, to-wit: the 8th day of March, 1902, appears by his Agent, Joe R. Sequichie.

Mr. J. C. Starr, Cherokee Representative, present.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES A. BRACKETT as a citizen of the Cherokee Nation:

Frances J. Kelley, Guardian for the applicant, was notified by registered letter February 18, 1902, that the application of her ward, Charles A. Brackett, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant's guardian this day appears by her Agent Joe R. Sequichie.

Mr. J. C. Starr, Cherokee Representative, present.

Commission of Mr. Sequichie: Is there any statement you desire to make relative to this application?

Mr. Sequichie: The only requirement in this notice that she is to furnish a certificate of readmission of the child's father, Bailis Brackett; when the application of the guardian of this child to the Department at Tahlequah, she has been notified that the records of the admission in this case is on file with the Dawes Commission.

The following entry appears upon the Cherokee Citizenship Record B. page 448:

"Bailis Brackett.

Office Commission on Citizenship,
Tahlequah, C. N., Oct. 5, 1887.

732.

	age.	Sex.	Post office.
1 Bailis Brackett,	50	male	Carlisle.
2 Kidge Brackett,	16	male	
3 William Brackett,	14	male	Applicant for Cherokee citizen-
4 Ada Brackett,	11	female	ship. Readmitted Aug. 16th, 1889.
5 Augustus Brackett,	9	male	vs.
4 Frances Brackett,	7	female	Cherokee Nation.
5 Charles A. Brackett,	4	male	

Ancestor
Brackett.

Office Commission on Citizenship.
Cherokee Nation, Ind. Ter.
Tahlequah, Aug. 16th, 1889.

The evidence shows that Bailis Brackett, the applicant named, is now deceased but that he was a son of Mige Brackett and Cynthia Brackett, nee Cynthia Hubbard and grandson of Nellie Wilkerson from whom he derived his Cherokee blood and whose name is found on the Siler roll of Cherokees taken in 1852. The child of Bailis Brackett identified are Mige Brackett, age 16 yrs., William Brackett 14 years, Augustus Brackett, 11 years, and Ada Brackett (daughter) 11 years, and they are therefore adjudged by the Commission to be of Cherokee blood and entitled to Readmission to Citizenship in the Cherokee Nation. See evidence in case of Benj J. Brackett, Docket 666 head B page 331.

Will P. Ross, Chairman.
R. Bunch, Com.
John E. Sunter, Com.

Attest:

D. S. Williams,
Asst. Clk. Com."

Commission: Do you submit the case?
Mr. Sequichie: Yes, sir.

Commission: The agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the commission to the five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on above date and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOHN M. TAYLOR, ET AL., as citizens of the Cherokee Nation; in-
troduced on part of the Applicants:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 18th day of March, 1902. On said date the applicant appeared in person and by his Attorneys, Hutchings, Parker & West, Vinita, Indian Territory, and by agreement with the representative of the Cherokee Nation present, the case was continued until the 21st day of March, 1902. On this day, to-wit: the 21st day of March, 1902, the applicant appears in person and by his Attorneys.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: The Attorney for the applicant requests that the testimony had this day in the matter of the above application be filed with and made part of the record in the following cases: James Taylor, which was closed on the 13th day of March, 1902, No. D. 941; David J. Mathews, et al., closed March 7, 1902, No. D. 697, and Frank M. Pucker, et al., closed March 17, 1902, No. D. 772.

W. J. McKEY, being duly sworn, testified as follows on
part of applicants:
BY MR. PARKER:

Q State your name and residence? A I live in Tahlequah district, that is my home; I am at Wagoner at present; my name is W. J. McKey.

Q What is your age? A 60 years old.

Q Where were you born? A Born in North Carolina.

Q How long have you lived in the Cherokee Nation? A Ever since 1867.

Q What official positions if any have you held in the Cherokee Nation during your life?

Mr. Hastings: I submit that is entirely irrelevant.
Q What official positions have you held? A Why I was census taker there twice in Flint district.

Q Were you acquainted with James Taylor? A Yes, sir.

Q What has been his principal occupation or business during the time you have known him? A Which Jim Taylor?

Q I mean old man Jim? A He has been most of his time since I can recollect in Washington, tending to business of the Nation.

Q Representative of the Nation, of the North Carolina Cherokees?

A Yes, sir.

Q Where has he been representing them? A At Washington.

Q Were you ever a member of the Convention that appointed him or give him authority to represent the North Carolina Cherokees?

A Yes, sir; I suppose I was.

Q I wish you would examine that paper and see if that is a copy of the proceedings had at the convention and in what capacity you participated in that proceeding (paper shown witness and examined by him)? A Yes, sir, but I don't know anything about it.

Mr. Hastings: I submit that is a matter that is entirely irrelevant and it cuts no figure whatever with this case; it makes no difference how many North Carolina people he represented; it does not tend to show that he is entitled to citizenship here in any wise.

Mr. Parker: In that connection Attorney for the applicant desires to state that it is for the purpose of showing what James Taylor was doing while residing in Washington, and thereby accounting for his absence from the Cherokee Nation.

Witness: That is the date of the proceedings.

Q In what capacity did you participate in that proceeding?

A I was president of that gathering.

Q What did that gathering do? A It gave Jim Taylor authority to look after the interests of the Cherokees of North Carolina in Washington.

Q What year was that? A 1884.

Mr. Parker: We desire to offer this copy of the proceedings had on that day.

Mr. Hastings: Well, the Cherokee Nation objects to it, first because it is a matter entirely irrelevant, and second because it is not certified to and is only a typewritten copy and no signatures thereto.

Commission: The document will be filed, and the attorney for the applicant is requested to furnish the Commission with a certified copy of the same.

Q Do you know whether or not previous to that time James Taylor had been authorized to represent the Emigrant or North Carolina Cherokees, or had acted in that capacity? A No, sir, I don't know that he was; always my understanding is that he was at work for them; I don't know what authority, and don't know whether it was done by convention or anything about that.

Mr. Parker: We desire to now offer in evidence a certified copy of the proceedings of the Convention held at Tahlequah on the 24 and 4th day of October, 1884, approving and confirming the actions of the delegate, James Taylor, and conferring upon him additional powers as their representative.

Mr. Hastings: The representatives of the Cherokee Nation object to the filing of this document because it is not a certified copy of the record, and it does not purport to be, and because the same is irrelevant and immaterial.

Q Where were you in 1880, Mr. McKee? A I was in the Cherokee Nation.

Q Please state briefly your recollection of what happened in 1880 and 1881 with reference to the emigration of the North Carolina Cherokees to this country? A Well, there was an Act passed the Council in 1880, sometime in December, that there were two delegates sent back to North Carolina to invite the North Carolina Cherokees to the Cherokee Nation.

MR. HASTINGS:

Q That Act was a matter of record there? A Yes, sir.

MR. PARKER:

Q Did you go with those delegates? A I didn't go with them; I met them there.

Q Did you see the applicant, John M. Taylor, Jr., if so, where?

A Yes, sir; I saw him there in Cherokee County, North Carolina where those delegates had assembled with a crowd of Cherokees.

Q Was he among them? A Yes, sir.

Q What did that delegation do at that time? A They just extended the invitation to them to come to this country.

Q Pursuant to that invitation did people from that county and neighborhood come to the Cherokee Nation? A Yes, sir.

Q When did you next see John M. Taylor, Jr? A I don't recollect exactly but I think best of my memory serves me, it was in '81.

Q Whereabouts was he? A In Tahlequah.

Q In this country, Cherokee Nation? A Yes, sir, after I left there.

Q At what time did the North Carolina Cherokees who had accepted that invitation remove to the Cherokee Nation? A Some of them came that summer and in the fall.

Q It was that fall that you saw John M. Taylor here?

A I think it was.

Q To the best of your knowledge where has John M. Taylor resided since that time? A I could not tell you; I have seen him often; I have seen him at Tahlequah, in Cooweescoowee. I have heard of him often.

Q In this country? A Yes, sir, I don't know whereabouts he lived.

Q Were the North Carolina Cherokees who came in response to that invitation required to register at Tahlequah and to be enrolled, to your knowledge? A I could not tell you anything about it.

Q Did you so understand at that time? A I don't recollect anything about whether they were required to enroll or not; I know there was some that did enroll.

Q Was anything said about whether they would have to enroll or not?

A I never heard anything about it; there was some that enrolled that fall, some of the Powell children.

Q If they were required to enroll in response to that invitation you didn't know it at that time? A No, sir.

Q You were in Cherokee country, North Carolina when the invitation was extended? A Yes, sir.

Q And was here when they came? A Yes, sir.

Q According to your information where has James Taylor, the old man, made his, considered his home; where is his home considered to be since the North Carolina Cherokees came west? A I have saw him several times since and he always told me he lived in Cooweescoowee with his children.

MR. HASTINGS:

Q The North Carolina Cherokees did come and enroll, didn't they, Mr. McKey, when they came here, to the Executive office? A Some of them did.

Q Well, do you know of any outside of these that didn't?

A No, I don't know that I do.

Q You don't know of any? A No, I don't.

Q As a matter of fact they all came there and were enrolled and were paid some money by an Act of the National Council? A Yes, sir.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the Act of National Council approved December 16, 1881, the same being an Act or appropriation for the relief of the North Carolina Cherokees lately removed to the Cherokee Nation.

Commission: The document will be filed and made part of the record in the case.

Mr. Parker: Attorneys for the applicant desire to object to the introduction of the Act of December 15, 1881, for the reason that the same provides for the payment of certain sum of money to persons whose names appear upon the roll, and has nothing whatever to do with persons who might have settled in the Cherokee Nation in response to the Act of December 3, 1880, and whose names were not upon that roll.

Mr. Hastings: The Cherokee Nation offers this certified copy of this Act in evidence for the purpose of showing that all the persons who came to the Cherokee Nation under the Act of December 3, 1880, aggregated 168 persons and were enrolled in the Executive Office of the Cherokee Nation, and the name of the applicant does not appear thereon.

Commission: The document will be filed and made part of the record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in this case.

The Attorney for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now on record.

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I, J. O. Benson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Benson

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UN-CIVILIZED
FILED
JUL 3 1902

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of Frances J. Kelley, for the enrollment of herself and husband as citizens of the Cherokee Nation:

FRANCES J. KELLEY, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Frances J. Kelley.
Q How old are you? A I am about sixty.
Q What is your post office address? A Muskogee.
Q Are you the wife of John Kelley? A Yes sir.
Q What is his citizenship? A He is a white man. Claimant by intermarriage.
Q When were you married? A We were married in the year 1884.
Q Where were you living when you were married? A Down about Tahlequah.
Q How long have you been living in the Cherokee Nation? A Twelve years this last April.
Q Since you were admitted to citizenship? A Since I came here. I was admitted in 1889.
Q Did your husband come with you at that time? A No sir he was raised in Texas.
Q You were married to him after you were admitted? A Yes sir. I brought my certificate with me from Georgia. Can I say —
Q Since you moved here twelve years ago have you been making this your home continuously? A Yes sir.
Q Never been out of the Territory since that time? A No sir.
Q Since marrying you has your husband lived here continuously? A He has been back to Texas to see his father on his death bed.
Q How long did he remain there? A It lasted three or four days of being four weeks.
Q Since his marriage to you has he made this his home all the time? A Yes sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this June 25, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of John Kelley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Frances J. Kelley, as a citizen by blood of the Cherokee Nation.

Supplemental to D-742.

Appearances:

Joseph R. Sequichie for Applicant.
J. C. Starr for Cherokee Nation.

JOSEPH R. SEQUICHIE, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Joe R. Sequichie.
Q. Age. A. 30 years old.
Q. Post office. A. Chelsea, I. T.
Q. Are you acquainted with John Kelley? A. Yes, sir.
Q. Are you acquainted with his wife Frances J.? A. Yes, sir.
Q. How long have you known them? A. I have known them, I think, 7 or 8 years. I have ever since they have been here. They have not been here very long; 8 or 9 years.
Q. Where did they come from? A. Came from Georgia.
Q. Is John Kelley a citizen by blood? A. By adoption.
Q. Is his wife a citizen by blood? A. Yes, sir.
Q. Was she admitted, after she came, by the authorities?
A. No, sir; I think admitted before she came.
Q. Do you know when she was admitted? A. No, I don't. I think it was somewhere about 1887.
Q. Was John Kelley and his wife Frances married before she was admitted? A. Yes, sir.
Q. Were they re-married after she was admitted? A. I can't say. I don't remember.
Q. Have they lived together as husband and wife ever since you have known them? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Lived together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. Has he filed his marriage license with the Commission, with the original application? A. I think so. I think I filed it for them; copy of it.
Q. How long has John Kelley and his wife lived together in the Cherokee Nation? A. Since I have known them.
Q. When was that? A. Since '92 or '3.
Q. All the time in the Cherokee Nation? A. Yes, sir; they lived there right close to Chelsea.

Joseph O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above-entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of October, 1902.

John O. Carr
B. C. Jones
Notary Public.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereon.

B. L. Rothberger.

Subscribed and sworn to before me this 4th day of November, 1903.

B. Jones
Notary Public.

NOV 9 1903
F. L. R. D.
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
GENERAL AGENT IN CHARGE

ALL ORIGINALS

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of John Kelley for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Frances J. Kelley, as a citizen by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q. What is your name? A. John Kelley.
Q. How old are you? A. Sixty last March.
Q. What is your postoffice? A. Chelsea.
Q. You a white man? A. Yes sir.
Q. You are applying to be enrolled as an intermarried citizen of the Cherokee Nation? A. Yes sir.
Q. What is the name of your wife? A. Frances J.
Q. Is she your first wife? A. No sir.
Q. Are you claiming citizenship through this wife or your first wife?
A. This wife.
Q. Who was your former wife? A. Anna Eliza Wilkerson.
Q. She was a Cherokee or white woman? A. White woman I suppose.
Q. Is she dead? A. No sir.
Q. You are divorced from her are you? A. Yes sir.
Q. When were you divorced from her? A. It has been about nine years ago.
Q. In what court was that divorce granted? A. El Reno Court, Oklahoma.
Q. You think about nine years ago? A. Yes sir, as near as I remember.
Q. When did you marry your present wife? A. I think it has been about eight years ago.
Q. About a year after you were divorced from your first wife? A. About that, maybe more than that. We were married the year before '95 in February 11th.
Q. On February 11, 1895? A. Yes sir.
Q. Is she a Cherokee by blood? A. Yes sir, I got my divorce in June I suppose, and the next June, as well as I remember, I was in this nation.
Q. Did you file a copy of that decree of divorce before this Commission?
A. Yes sir.
Q. About two years ago? A. I don't know just now when it was; it has all been put through all right in this Court.
Q. Have you and your wife been living in the Cherokee Nation ever since '95? A. Yes sir, only I was out to see my father when he was on his deathbed, feeble and old.
Q. When was that? A. It was last fall a year. I wasn't gone quite a month.
Q. You and your wife are living together now are you? A. Yes sir.
Q. Living together on the first day of September? A. Yes sir, ever since I was married, I was only out of the nation that long.
J. C. Starr: You have never been out of the nation to live at any other time? A. No sir, not since we married.
Q. Was your present wife ever married before she married you? A. She was married before I got a divorce.
Q. Who was she married to? A. A man by the name of Graham.
Q. Where did he live? A. He lived in Fort Worth, that is my understanding.
Q. I am speaking about your present wife? A. She never was married before.
Q. You are her first husband? A. Yes sir, I never heard of her marrying before.
Q. And she is your second wife? A. Yes sir.
-

J. John Miller et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

J. L. P. [Signature]

Subscribed and sworn to before me this 14th day of November, 1906.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frances J. Kelley for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, John Kelley, as a citizen by intermarriage of the Cherokee Nation.

DECISION

The record in this case shows that on October 20, 1900, Frances J. Kelley appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, John Kelley, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 25, 1902, October 1, and October 8, 1902.

The evidence shows that John Kelley, a white man, and Frances J. Brackett, a citizen of the Cherokee Nation, admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on August 16, 1888, were lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on February 11, 1894. Frances J. Kelley and her husband, John Kelley, are identified on the Cherokee Census roll of 1896.

The evidence further shows that Frances J. Kelley has lived continuously in the Cherokee Nation ever since April, 1890, and that her husband, John Kelley, has lived with his said wife continuously in the Cherokee Nation since his marriage to her in 1894, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Frances J. Kelley should be enrolled as a citizen by blood, and that John Kelley should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamr Dixie

Acting Chairman.

I. B. Needles

Commissioner.

J. R. Brackinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this

DEC 10 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-742.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

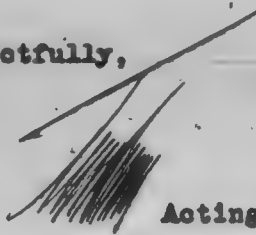
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Frances J. Kelley for the enrollment of herself as a citizen by blood, and for the enrollment of her husband, John Kelley, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-234.

John Kelley

CT 81

A. Original testimony of 10/29/00

B. Memo. of Application of 10/29/00

C. Marriage license and certificate

D. Decree of Divorce

E. Notice of final consideration 8/8/00

F. Order Dissolving testimony 8/8/00

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Cherokee jacket 0740

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COMMUNIST
DEBENTURE

Department of the Interior
Washington, D. C. October 10th 1900.

In the matter of the application of Francis A. Brady for the enrollment of said Brady as a citizen of the United States, the following facts are submitted in support of the application as follows:

- 1 That is your name? Francis A. Brady.
- 2 How old are you? 31 years.
- 3 What is your place of birth? I was born in New York City, New York, in 1869.
- 4 How do you come to enroll now? A. Charles A. Brady.
- 5 How old is that child? 17 years and last August.
- 6 How did this child come into the world? of this child is Francis A. Brady.
- 7 How do you know that? A. I know.
- 8 How do you know that? A. I know.
- 9 How do you know that? A. I know.
- 10 How do you know that? A. I know.
- 11 How do you know that? A. I know.
- 12 How do you know that? A. I know.
- 13 How do you know that? A. I know.
- 14 How do you know that? A. I know.
- 15 How do you know that? A. I know.
- 16 How do you know that? A. I know.
- 17 How do you know that? A. I know.
- 18 How do you know that? A. I know.
- 19 How do you know that? A. I know.
- 20 How do you know that? A. I know.
- 21 How do you know that? A. I know.
- 22 How do you know that? A. I know.
- 23 How do you know that? A. I know.
- 24 How do you know that? A. I know.
- 25 How do you know that? A. I know.
- 26 How do you know that? A. I know.
- 27 How do you know that? A. I know.
- 28 How do you know that? A. I know.
- 29 How do you know that? A. I know.
- 30 How do you know that? A. I know.
- 31 How do you know that? A. I know.
- 32 How do you know that? A. I know.
- 33 How do you know that? A. I know.
- 34 How do you know that? A. I know.
- 35 How do you know that? A. I know.
- 36 How do you know that? A. I know.
- 37 How do you know that? A. I know.
- 38 How do you know that? A. I know.
- 39 How do you know that? A. I know.
- 40 How do you know that? A. I know.
- 41 How do you know that? A. I know.
- 42 How do you know that? A. I know.
- 43 How do you know that? A. I know.
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- 51 How do you know that? A. I know.
- 52 How do you know that? A. I know.
- 53 How do you know that? A. I know.
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- 59 How do you know that? A. I know.
- 60 How do you know that? A. I know.
- 61 How do you know that? A. I know.
- 62 How do you know that? A. I know.
- 63 How do you know that? A. I know.
- 64 How do you know that? A. I know.
- 65 How do you know that? A. I know.
- 66 How do you know that? A. I know.
- 67 How do you know that? A. I know.
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- 71 How do you know that? A. I know.
- 72 How do you know that? A. I know.
- 73 How do you know that? A. I know.
- 74 How do you know that? A. I know.
- 75 How do you know that? A. I know.
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- 82 How do you know that? A. I know.
- 83 How do you know that? A. I know.
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- 85 How do you know that? A. I know.
- 86 How do you know that? A. I know.
- 87 How do you know that? A. I know.
- 88 How do you know that? A. I know.
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- 95 How do you know that? A. I know.
- 96 How do you know that? A. I know.
- 97 How do you know that? A. I know.
- 98 How do you know that? A. I know.
- 99 How do you know that? A. I know.
- 100 How do you know that? A. I know.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 28th 1900.

In the matter of the application of Francis J. Kelly for the enrollment of Charles A. Brackett as a Cherokee citizen. She being sworn testified before the Commission as follows:-

- Q What is your name? A. Francis J. Kelly.
Q How old are you? A. 37.
Q What is your post office? A. Shelsea.
Q What district do you live in? A. Coocooscoowee.
Q Who do you want to enroll now? A. Charles A. Brackett.
Q How old is that child? A. 17 years old last August.
Q Give me the name of the father of this child? A. Bayless Brackett
Q Is he dead? A. Yes sir.
Q Is he a white man? A. Cherokee.
Q When did he die? A. In 1888.
Q Give me the name of the mother of this child? A. Nancy
Q Is she dead? A. Yes sir.
Q Is she a Cherokee? A. No sir a white woman.
Q When did she die? A. In 1887.
Q Are either the father or mother of this child on the roll of 1880?
A. No sir.
Q Were they admitted to citizenship by the Cherokee Nation? A. No sir
Q How does this child acquire its right? A. By its father.
Q Was he admitted to citizenship by the Cherokee Nation? A. Always
called a Cherokee. He was my brother.
Q This ~~child's~~ child's father was admitted to citizenship by the
Cherokee Commission in 1880 wasn't he? A. I believe so.
Q Have you a certificate of the admission of this child's father?
A. No sir I have not.
The printed copy, unofficial, of ~~the Cherokee Nation~~
admitted and re-admitted citizens in possession of the Cherokee
Representative present, shows that Baylis Brackett, 50 years of
age was admitted by the Cherokee Commission on citizenship on August
16th 1880, and is marked deceased.
Q When did this child come to the Cherokee Nation? A. I think brought
him here in 1890.
Q In April when you came? A. Yes sir.
Q Has he lived here ever since? A. Yes sir.
1890 roll, page 1041, No 11, Charles Brackett, Orphan roll, Saline.

The applicant applies for the enrollment of an orphan child named Charles A. Brackett, a nephew of hers, and in her charge. He is a minor and is identified on the roll of 1890. She states that this child came with her to the Cherokee Nation in 1890 and has lived in the Cherokee Nation ever since. She also claims that this child was admitted through its father Bayless Brackett, whose admission she cannot establish by an official copy of the records at this time, but whose name appears, among others, on an unofficial copy in the possession of the Cherokee representative as having been admitted to citizenship in August, 1880. The applicant is desirous to present to the Commission an official copy of the admission of this child's father as stated. For the present application for this child's enrollment will be placed on a doubtful card, he being classed as a Cherokee by blood. It is also noted that the Cherokee Representative present protests against the enrollment of this and other members of this family on the ground of irregularity in the certificate of admission.

Chas Van Waise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above cause, and that the foregoing is a correct and full transcript of his Stenographic notes therein.

Chas Van Waise

Subscribed and sworn to this the
30th of October, 1900.

M. J. Green
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charles A. Brackett as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 29, 1900, Frances J. Kelley appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of her nephew, Charles A. Brackett, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902.

The evidence shows that the applicant, Charles A. Brackett, is a son of Bailis Brackett, a Cherokee by blood; that on October 5, 1887, the said Bailis Brackett made application to the Cherokee Commission on Citizenship for the admission of himself and children to citizenship in the Cherokee Nation; that the applicant Charles A. Brackett was at that time about four years old and was included in said application. It further appears that the said Bailis Brackett died prior to August 16, 1889, the date of the judgment rendered by the Cherokee Commission on Citizenship in said case. The said judgment admits several of said children of Bailis Brackett as citizens by blood of the Cherokee Nation but does not embrace the name of the applicant Charles A. Brackett.

The evidence further shows that the applicant is identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896; and that he has resided in the Cherokee Nation continuously from April, 1890, up to and including the date of this application.

It is, therefore, the opinion of this Commission that Charles A. Brackett should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James H. H. H.
Chairman.

I. D. Needles
Commissioner.

C. E. Brashers
Commissioner.

C. E. Brashers
Commissioner.

Muskogee, Indian Territory,

this

SEP 18 1903

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

7
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7287
REFER IN REPLY TO THE FOLLOWING

Cherokee D-743.

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Frances J. Kelley for the enrollment of her nephew, Charles A. Brackett, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Enc. D-18

Chairman.

Charles A. Brackett

A Original testimony of '10/29/00

B Memo. of Publication of '10/30/00

C Notice of final consideration, 3/8/02

D Sup test & order during test 3/8/02

Co

to



See Cherokee packet 1877

Cher D 144

Cher D 144

John A. Butts--2.

marriage and has not remarried since the death of his wife. He is identified with his wife on the roll of 1896, but she is not identified on the roll of 1900, nor can her mother be identified in a satisfactory manner on that roll. The applicant will be classed as a Cherokee by intermarriage upon a doubtful card to admit a mere satisfactory identification of his deceased wife. The child, Edna May, is identified with her parents on the roll of 1896. She is now living and will be classed as a Cherokee by blood on a doubtful card, and when the applicant files a certificate of the birth of the younger child, Gertie, this child also will be classed as a Cherokee by blood on a doubtful card.

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J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Rosson

Subscribed and sworn to before me this 30th day of October, 1900.

Commissioner

Commissioner.

DOUBTFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 29th, 1900.

In the matter of the application of John A. Butts for the enrollment of himself and children as citizens of the Cherokee Nation; said Butts being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A John A. Butts.

Q How old are you? A 26.

Q What is your post office? A Skiatook.

Q You live in Cooweescoowee district, do you? A Yes, sir.

Q Who do you want to have enrolled? A Myself and two children.

Q Are you Cherokee by blood? A No, sir, white man.

Q Let me see your marriage license, please. (Presents same.)

Com'r:))The applicant presents a marriage license issued by the Clerk of Cooweescoowee district, dated March 16, 1895, and a certificate in accordance therewith showing that on the day following he was married to Miss Katie Taylor, by the Rev. G. W. Goodman. This is filed herewith.

Q Your wife was a Cherokee, was she? A Yes, sir.

Q She is dead? A Yes, sir.

Q When did she die? A She died the 19th day of November, '98.

Q Did you live with her from the time of your marriage in March, 1895, until she died? A Yes, sir.

Q And all the time in the Cherokee Nation? A Yes, sir.

Q Have you continued to live in the Cherokee Nation ever since she died? A Yes, sir.

Q Have you remarried since she died? A No, sir.

Q How long did your wife live in the Cherokee Nation? A she was raised here.

Q Lived here all her life? A Yes, sir.

Q How old was she when she died? A I think she was about 20 or 21, she was 18 the Fall after we was married.

Q Give me the name of her father? A Joe Taylor.

Q Is he dead? A Yes, sir.

Q Give me the name of her mother? A I do not just exactly know her mother's name.

Q Is she dead? A Yes, sir.

Q Give me the names of your children? A Edna May Butts.

Q How old is that child? A She is four years old last February, 24th day of February.

Q Give me the name of the next child? A Gertie.

Q How old is she? A She is three years old last August.

Q These children are both living now, are they? A Yes, sir.

Q Were you ever married except to this wife? A No, sir.

Q Was she ever married except to you? A No, sir.

Applicant:--I do not think her name is on that (1880) roll.

Q Why is not it there? A They told me that Joe was sick when the 1880 roll was taken and they neglected putting her name down.

Q Is her father's name there? A Yes, sir.

1896 Roll; page 118, #601, Katie Butts, Cooweescoowee.

1896 Roll; page 226, #122, John H. Butts, Cooweescoowee.

1896 Roll; page 118, #602, Edna M. Butts, Cooweescoowee.

Q You say she (Your wife) was born here, do you? A Yes, I know she was.

1880 Roll; page 190, #2923, Joe Taylor, Cooweescoowee.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and two children. He is shown to have married his wife in accordance with Cherokee law in March 1895. She is now dead. He states that neither he nor his deceased wife were ever previously married, that he has lived in the Cherokee Nation ever since his

Page 1. Butts--2

marriage and has not remarried since the death of his wife. He is identified with his wife on the roll of 1896, but she is not identified on the roll of 1890, nor can her mother be identified in a satisfactory manner on that roll. The applicant will be placed as a Cherokee by intermarriage upon a doubtful card to await a more satisfactory identification of his deceased wife. The child, Edna May, is identified with her parents on the roll of 1896. She is now living and will be placed as a Cherokee by blood on a doubtful card, and when the applicant files a certificate of the birth of the younger child, Gertie, this child also will be placed as a Cherokee by blood on a doubtful card.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 30th day of October, 1900.

W. H. Merrill

Commissioner.

[illegible]

1990

© DDD - 1944 Taylor, the son of John A. Taylor

Q. Did you know where they were? A. Yes sir.

She is the wife of Joe Taylor was shot. A "The Alr

APR 2 1964

Q They didn't tell her father? A No, they didn't tell her father.

and for the purpose of the

by the same.

Was the [redacted] full-blown? A Yes sir.

the Taylor, the westward-titled Bill, were full-blown Communists

M. J. Lee

Chen

Department of the Interior,
Commission to the Five Civilized Tribes,
Chattanooga, T.T., October 30, 1900.

In the matter of the application of John A. Butts for the enrollment of himself and children as Cherokee citizens; Kate Lord being sworn and examined by Commissioner Brockbridge testified as follows:

Q Give your name there, please? A Kate Lord.
Q How old are you? A I am 64.
Q What is your post-office? A Tulsa.
Q How long have you lived in the Cherokee Nation? A I have been living here ever since 1881.
Q Do you know anything about Katie Butts, who was the wife of John A. Butts? A Yes sir, I raised her.
Q Was she born in the Cherokee Nation? A I guess she was, I got her when she was 6 years old.
Q What was her name before she married? A Katie Taylor.
Q How was she enrolled in the 1880's? A I don't know.

EXAMINED by Caleb Starr, Cherokee Reg. Agent.

Q Was she the wife of a man named Joe Taylor? A I never knewed her mother, I knowed Joe Taylor.

By Senior Brockbridge:

Q When did this woman, Katie Butts, die? A She died in November 1898.
Q Well, you got her when she was 6 years old? A Yes sir.
Q When did you get her? A In 1882.
Q Her father died at home in 1883.
Q What was his name? A Joe Taylor.
Q And she was about four years old when her father died?
A No, he told me she was 6 years old.
Q She was about four years old when the fall of 1880 was made?
A I guess she was.
Q What was the name of her mother? A I don't know. Her Indian name was Tahsha.
Q Of this child? A Yes sir.
Q Was Katie Taylor or Katie Butts a full-blood Indian? A No. I don't think she was, her father wasn't a full-blood. I don't think.
Q Was her mother said to be a full-blood? A I don't know, I think she was though.
Q How long has Joe Taylor been dead? A I think he died in 1885.
Q And the mother before that? A Yes sir, he had his second wife when I knowed him.
Q This woman's mother had died before 1880? A Yes sir.
Q Joe had a second wife? A His second wife was an old girl, she was a Cherokee.
Q Did Katie Taylor have any brothers or sisters? A I heard them talking about it, that she had some one, but it was dead then.
Q You know what the name of that child was, the brother that died?
A No sir.
Q Was he a full-blood? A Of a half-brother? A If it was a full brother I think.
Q You never heard that call it dead? A No.
Q Did you always look upon this Katie Taylor as the lawful child of Joe Taylor and his former wife? A Yes, his first wife.
Q As far as you look? A Yes sir, I guess so.
Q You always considered that she had been legally married?
A I don't know anything about it, he gave me the child when he was still in his deathbed, and told me to raise it as my own.

John A. Butts et al (3rd) Kate Ford wit 2

Q This child lived with him as his own child? A Yes sir.

GEORGE MILLS, being sworn and examined by Commissioner Breckinridge testified as follows; - Simon R. Walkinettick, interpreter;

Q Give your name there? A George Mills.

Q How old are you? A 58.

Q How long have you lived in the Cherokee Nation? A All his life.

Q Did you know Katie Taylor, who was the wife of John A. Butts?

A Yes sir. I know her.

Q Did you know her mother? A Yes sir.

Q Was Katie Taylor's mother a Cherokee? A Yes sir, she was a Cherokee, - full-blood.

Q Was the wife of Joe Taylor was she? A Yes sir.

Q And after her death Joe Taylor married again did he? A Yes sir.

Q And what was the name of Joe Taylor's last wife? A Her name was Willie.

Q They didn't call her Katie? A He says she was a Shawnee.

Q What was the name of Joe's first wife? A All he remembers was her Cherokee name, Kabsa.

Q Did they call her Katie? A He says he never heard her called by that name.

Q Did she die before the Fall of 1880 was made? A Yes sir.

Q Was Joe Taylor a full-blood? A Yes sir.

Q So you think that both the mother and father of this woman Katie Taylor, who was afterwards Katie Butts, were full-blood Cherokees?

A Yes sir, they were both full-bloods.

Com'r Breckinridge: This goes with card, case D744, application of John A. Butts for the enrollment of himself and two children.

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 30th day of October, 1900.



Commissioner.

Supl. 3-2-1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 2, 1902.

SUPPLEMENTAL to the notice of the enrollment of JOHN A. BUTTS,
as citizens of the Cherokee Nation.

The applicant was notified by registered letter January
15, 1902, that his application for the enrollment of himself
and children in the Cherokee Nation would be taken
up for final consideration by the Commission at its offices in
Muskogee, Indian Territory, on the 6th day of March, 1902. The
applicant fails, however, to state the day of March, 1902, in
which and at his Agent's office.

W. C. Starr, Secretary, present.

The Agent for the Cherokee Nation representative present at
the Muskogee Nation submit his case. The case is considered con-
cluded and will be reported to the Commission for final action
based upon the evidence.

[Handwritten signature and notes]

Commissioner

D.O.A.

Supl.-C.D.#744.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN A. BUTTS,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. The applicant this day, to-wit: the 8th day of March, appears in person and by his Agent, J. R. Sequishie.

Mr. J. C. Starr, Cherokee Representative, present.

The Agent for the applicant and representative present of the Cherokee Nation submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Butts for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his two minor children, Edna M., and Gertie Butts as citizens by blood, of the Cherokee Nation.

DECISION.


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The record in this case shows that on October 29, 1900, John A. Butts appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his two minor children, Edna M., and Gertie Butts, as citizens by blood, of the Cherokee Nation. On October 30, 1900, at Claremore, Indian Territory, further evidence in the matter of this application was heard and on March 8, 1902 at Muskogee, Indian Territory, further proceedings were had.

The evidence shows that the said John A. Butts, a white man, was lawfully married on March 17, 1895, according to the laws of the Cherokee Nation, to Katie Taylor, a citizen of the Cherokee Nation, and that he has lived in the Cherokee Nation ever since his said marriage. The said John A. Butts is identified on the Cherokee census roll of 1896, and his child, Edna M. Butts, by his wife, Katie Butts, is also identified on that roll. The other child, Gertie Butts, was born on August 26, 1897, and proper proof of her birth has been furnished this Commission.

It is therefore the opinion of this Commission that John A. Butts should be enrolled as a citizen by intermarriage, and that Edna M. Butts and Gertie Butts should be enrolled as citizens by blood, of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

this AUG 19 1902

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 6th, 1902.

In the matter of the application of John A. Butts for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his children, Edna M. and Gertie Butts, as citizens by blood of the Cherokee Nation.

Supplemental to D-744.

Applicant appears in person.

Cherokee Nation by J. C. Starr.

JOHN A. BUTTS, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name, please? A. John A. Butts.
Q. What is your age at this time? A. 28.
Q. What is your post office? A. Skiatook.
Q. Are you the same John A. Butts for whom application was made to this Commission for enrollment as an intermarried citizen on October 29th, 1900? A. Yes, sir.
Q. What is your wife's name? A. Katie.
Q. Is she living at this time? A. No, sir; she is dead.
Q. Was she a Cherokee by blood? A. Yes, sir.
Q. When were you married to your wife Katie? A. Married the 17th day of March, 1898.
Q. Were you married under a Cherokee license? A. Yes, sir.
Q. When did your wife Katie die? A. She died in 1898, I think.
Q. Did you and your wife Katie live together continually from the time of your marriage up to the time of her death? A. Yes, sir.
Q. Never separated? A. No, sir.
Q. Never married any other woman? A. No, sir.
Q. You were a widower and a single man on the first of September, 1902? A. Yes, sir, never have married at all.
Q. How long have you lived in the Cherokee Nation? A. I have lived here most of the time for 15 years.
Q. Lived in the Cherokee Nation all the time since your marriage? A. Yes, sir.
Q. These children, Edna M. and Gertie, your and your wife's-- Katie's children? A. Yes, sir.
Q. Living at this time? A. Yes, sir.
Q. Have both of them lived in the Cherokee Nation all their lives? A. Yes, sir.

+++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11st day of October, 1902.

Jesse O. Carr
B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-744.

In the matter of the application of John A. Butts for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his two minor children, Edna M. and Gertie Butts, as citizens by blood of the Cherokee Nation.

DECISION.

--10:--

The record in this case shows that on October 29, 1900, John A. Butts appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his two minor children, Edna M. and Gertie Butts, as citizens by blood of the Cherokee Nation. On October 30, 1900, at Claremore, Indian Territory, further evidence in the matter of this application was heard, and on March 8, 1902, and on October 6, 1902, at Muskogee, Indian Territory, further proceedings were had.

The evidence shows that the said John A. Butts, a white man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on March 17, 1896, to Katie Tayler, a citizen by blood of the Cherokee Nation. The said John A. Butts is identified on the Cherokee Census Roll of 1896, and his child, Edna M. Butts, by his wife, Katie Butts, is also identified on that roll. The other child, Gertie Butts, was born on August 26, 1897, and is duly identified by a birth affidavit, made a part of the record herein.

The evidence further shows that John A. Butts lived with his wife in the Cherokee Nation continuously from the date of his marriage to her until her death, which occurred in 1898, since which time he has continued to reside in the Cherokee Nation continuously, and had not remarried up to and including September 1, 1902. The minor children applicants herein have resided continuously in said Nation since birth, and were residents therein on the date of this application.

It is, therefore, the opinion of this Commission that John A. Butts should be enrolled as a citizen by intermarriage, and that Edna M. Butts and Gertie Butts should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixey

Acting Chairman.

(SIGNED)

I. E. Needles

Commissioner.

(SIGNED)

J. D. Brookinridge

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 744.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir: .

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902 granting the application of John A. Butts for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his two children, Edna M. and Gertie Butts, as citizens by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Tams Bixby
Acting Chairman.

Enc. C. No. 2.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-744.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

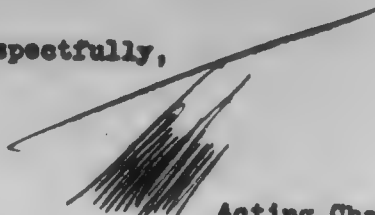
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of John A. Butts for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his two minor children, Edna M. and Gertie Butts, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-230.

John A. Butts

et al

A Original testimony of 7/29/00

B Memo. of Application of 10/29/00

C Supplementary testimony of 11/30/00

D Marriage License

E Birth certificate of Bertie

F Notice of final consideration, 3/6/00

G Receipt for testimony

H

I

J

K

L

M. Order during testimony 3/10/00

N

O

P

Q

R

S

T

U

V

Cher D 145

Cher D 145

John W. Taylor Jr., et al--A.

Cherokee. He has lived in the Cherokee Nation continuously for twenty years. He avers that he came to the Cherokee Nation and has lived here continuously since the winter of 1881. He states that his father's name is James Taylor. It appears from the printed list of North Carolina Cherokees who removed to the Cherokee Nation June 8th, 1881, under an Act of the National Council approved December 3rd, 1880, said North Carolina Cherokees having paid their own transportation, that the name of one James Taylor, who at that time was fifty-eight years of age, is included therein, and claimed his right to enrollment as a Cherokee citizen through his mother. The applicant avers that the James W. Taylor mentioned in this list is his father.

It further appears from the testimony that the applicant was at the time of the removal to the Cherokee Nation, past his majority. His name does not appear to be among those North Carolina Cherokees who removed here June 8th, 1881, and for the reason that he was of age when these parties came to the Cherokee Nation, and that his name does not appear as having been one of them, he will be listed by the Commission for enrollment as a Cherokee by blood upon what is known as a doubtful card. When final judgment in his case is rendered he will be notified in writing at his present post office address.

He avers that his wife is a white woman, and that he has married her on the 23rd day of February, 1893; that he has lived with her continuously in the since that time. Neither he nor his wife had ever been married before. She is identified on the census roll of 1896 as an adopted white, and will be listed for enrollment with her husband as an intermarried citizen of the Cherokee Nation upon a doubtful card, as her status depends upon that of her husband.

The two oldest children are identified upon the census roll of 1896 as native Cherokees. They have lived in the Cherokee Nation all their lives and will be enrolled by the Commission as Cherokees by blood upon a doubtful card, together with their father and mothers and when the Commission is supplied with satisfactory proof as to the birth of these two youngest children, they also will be listed upon doubtful card as Cherokees by blood.

R.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 28th, 1900.

IN THE MATTER OF THE APPLICATION OF JOHN M. TAYLOR, Jr., FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE CITIZENS.

The said John M. Taylor, being sworn by Commissioner C. R. Breckinridge, was examined by the Commission, and testified as follows:

- Q What is your name? A John M. Taylor, Jr.
Q How old are you? A Forty years old.
Q What is your post office? A Claremore, Indian Territory.
Q Do you make application for enrollment as a Cherokee by blood?
A Yes, sir.
Q Who do you want to have enrolled? A Myself and family.
Q What does your family consist of? A My wife and four children.
Q What degree of Cherokee blood do you claim? A One-sixteenth.
Q What district do you live in? A Coowescoowee District.
Q How long have you lived in the Cherokee Nation? A Twenty-three years.
Q Have you been outside of the Cherokee Nation within the past three years? A No, sir.
Q What is the name of your father? A James Taylor.
Q Is he living? A Yes, sir.
Q Is he a Cherokee? A Yes, sir.
Q What is the name of your mother? A Nannie A.
Q Is she living? A No, sir.
Q Is she a Cherokee? A No, sir.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Martha E.
Q Is she living? A Yes, sir.
Q Is she a Cherokee by blood? A No, sir.
Q What is her age? A Twenty-seven.
Q How long has she lived in the Cherokee Nation? A About ten years.
Q What is the name of her father? A Samuel McGutchin.
Q Is he living? A No, sir; he is dead.
Q White man? A Yes, sir.
Q What is the name of your wife's mother? A I expect it is Elizabeth.
Q Is she living or dead? A No, sir; she is dead.
Q Was she a white woman? A A white woman.
Q Did your wife's parents ever claim to be citizens of the Cherokee Nation? A No, sir.
Q Give me the names of the children for whom you desire to make application. A Blake S. born July 25th, 1894.
Q What is the name of the next child? A Mural.
Q How old? A He is about five, I think.
Q What is the name of the next child? A Robert C.
Q How old? A Three years old.
Q What is the name of the next child? A James Ray.
Q How old is he? A Ten months old.
Q These children are all alive and living with you? A Yes, sir.
Q You are their father? A Yes, sir.
Q Your wife is the mother? A Yes, sir.
Q When were you married? A In 1890.

The applicant presents marriage certificate showing that John W. Taylor, Jr., a citizen of the Cherokee Nation, and Miss Bertie McDatchena, a citizen of the United States, were married on the 23rd day of February, 1883, by Watt Starr, Judge of the District Court of Cooweescoowee District, Cherokee Nation. The same is filed herewith, having been recorded.

Q You have lived with your wife continuously since that time?

A Yes, sir.

Q Were you ever married before? A No, sir.

Q Was she? A No, sir.

Q What district were you living in 1880? A In 1880

I was living in Tahlequah District.

Q In what district are you living in 1896? A In this district.

Q Were you ever admitted to citizenship in the Cherokee Nation by the Cherokee Tribal authorities? A No, sir. We came here under an Act of the National Council. My father is on the North Carolina list.

Q When did your father removed to the Cherokee Nation? A In 1881.

Q Was his name James Taylor? A Yes, sir.

1896 Roll, page 266, No. 4725, John W. Taylor, Jr., Cooweescoowee District. Native Cherokee.

1896 Roll, page 327, No. 1031, Bertha Taylor, Cooweescoowee District.

1896 Roll, page 266, No. 4726, Blaine S. Taylor, Cooweescoowee District.

1896 Roll, page 266, No. 4727, Marrell Taylor, Cooweescoowee District.

Q Were you a minor when you removed to the Cherokee Nation? A

Yes, sir.

Q How old are you now? A Just forty this August past.

Q What was the date of your birth? A August 14th, 1860.

Q Do you remember the exact date when you came to the Cherokee Nation? A I came here in August, 1880. The 1880 roll was taken, maybe, when I came here, me and my father.

Q Are you on the 1883 pay roll? Did you draw money then?

A Yes, sir.

(Examination by Mr. W. W. Hastings, Representative of Cherokee Nation.

Q Did you draw money in 1886? A Yes, sir.

Q In 1884? A Yes, sir.

Q Are you on the census roll of 1896? A Yes, sir.

Q You have always been recognized as a citizen ever since?

A Yes, sir.

Q You are now recognized as a citizen? A Yes, sir.

Q You came here with your father in 1880? A Yes, sir, and staid here until after the act-----

Q (interrupting) You have not a brother by the name of Jim? A

Yes, sir.

Q Is his name on the list here? A Yes, sir.

Q Your father's name was James Taylor? A Yes, sir.

Q Your mother's name? A Jane Hannah Manchester was her maiden name.

Q You claim to be Cherokee by the right of your father? A Yes, sir.

F. O. Schrimsher, being sworn by Commissioner C. K. Bondurant, was examined by the Commission, and testified as follows:

Q What is your age? A About sixty-five.

Q What is your present office address? A Tahlequah.

Q You are a long-continued citizen of the Cherokee Nation? A Yes, sir.

Q Are you acquainted with the Applicant, John W. Taylor? A

Yes, sir.

John M. Taylor, Jr. et al.

Q Do you know when he removed to the Cherokee Nation? A No, I couldn't say positively, only from hear say.

Q Did you know his father was among the North Carolina Cherokees who came in October 1861? A That was my understanding.

Q You don't know that of your own personal knowledge? A No, sir.

Q Do you know whether the James Taylor, aged fifty-eight at that time, who came to the Cherokee Nation in 1861, was the father of the applicant? A He always claimed so.

Witness excused.

William E. Sanders, being sworn by Commissioner C. B. Breckinridge, was examined by the Commission, and testified as follows:

Q What is your name? A William E. Sanders.

Q What is your age? A Forty-one.

Q What is your post office address? A Claremore.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Are you acquainted with the applicant, John M. Taylor, Jr? A Yes, sir.

Q For how long have you known him? A I couldn't state the year that I first met Mr. Taylor, but it has been a good while.

Q Has it been as much as fifty-one years ago? A I think it was longer along there somewhere.

Q Then you don't know of your own personal knowledge whether his father was one of the number of North Carolina Cherokees who removed to the Cherokee Nation in 1861, do you? A No, sir; not of my own personal knowledge. My understanding was that he did.

Q There was a James Taylor who came with these North Carolina Cherokees, aged about fifty-eight, do you know whether he was the father of the applicant here? A It has always been my understanding that he was. I met Mr. Taylor several times, and he always said John was his son.

Witness excused.

(Examination of applicant continued.)

By Mr. W. W. Hastings, representative of Cherokee Nation.

Q You stated a while ago that you were here at the time this act of December 3rd, 1860, was passed. Is that true? A I would like to state this: Me and my father came here from North Carolina. My father arrived at Chief Bushyhead's by Fort Gibson, Indian Territory-- I couldn't tell the exact date, but some time in October 1860. It was some time in that month that he advised Mr. Bushyhead that these North Carolina Indians would like to move here, if they could get any assistance. My father came on that business. When Council convened some one, I don't remember who, introduced the act, and after the law was passed in December, 1860, my father returned to Washington City, and I accompanied him back to North Carolina to assist in getting these people to come here, and supervised and some odd that came here. I came to Houdon, Tennessee, with some of them--that was the nearest railroad point, and the men appointed by the government to bring them on, came there and received them and brought them here to Muskogee, and I went to Nashville, North Carolina, and brought my sister with me, and came to Cherokee in the winter of 1861, and I have resided in this country ever since, and drew all the money that has been paid out since then.

The applicant applies for the enrollment of himself, his wife and four children. He is identified on the roll of 1896 as a native

John M. Taylor Jr., et al---4.

Cherokee. He has lived in the Cherokee Nation continuously for twenty years. He avers that he came to the Cherokee Nation and has lived here continuously since the winter of 1881. He states that his father's name is James Taylor. It appears from the printed list of North Carolina Cherokees who removed to the Cherokee Nation June 8th, 1881, under an Act of the National Council approved December 3rd, 1880, said North Carolina Cherokees having paid their own transportation, that the name of one James Taylor, who at that time was fifty-eight years of age, is included therein, and claimed his right to enrollment as a Cherokee citizen through his mother. The applicant avers that the James M. Taylor mentioned in this list is his father.

It further appears from the testimony that the applicant was at the time of the removal to the Cherokee Nation, past his majority. His name does not appear to be among those North Carolina Cherokees who removed here June 8th, 1881, and for the reason that he was of age when these parties came to the Cherokee Nation, and that his name does not appear as having been one of them, he will be listed by the Commission for enrollment as a Cherokee by blood upon what is known as a doubtful card. When final judgment in his case is rendered he will be notified in writing at his present post office address.

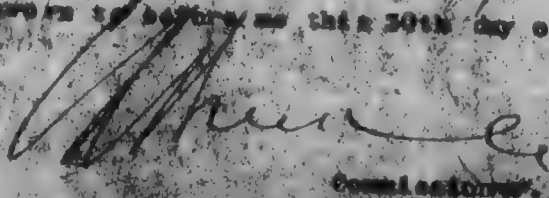
He avers that his wife is a white woman, and that he was married to her on the 23rd day of February, 1883; that he has lived with her continuously in the since that time. Neither he nor his wife had ever been married before. She is identified on the census roll of 1896 as an adopted white, and will be listed for enrollment with her husband as an intermarried citizen of the Cherokee Nation upon a doubtful card, as her status depends upon that of her husband.

The two oldest children are identified upon the census roll of 1896 as Native Cherokees. They have lived in the Cherokee Nation all their lives and will be enrolled by the Commission as Cherokees by blood upon a doubtful card, together with their father and mother. And when the Commission is supplied with satisfactory proof as to the birth of these two youngest children, they also will be listed upon a doubtful card as Cherokees by blood.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of October A. D. 1900.


Commissioner.

Mr. Parker: Attorneys for the applicant desire to object to the introduction of the Act of December 15, 1881, for the reason that the same provides for the payment of certain sum of money to persons whose names appear upon the roll, and has nothing whatever to do with persons who might have settled in the Cherokee Nation in response to the Act of December 3, 1880, and whose names were not upon that roll.

Mr. Hastings: The Cherokee Nation offers this certified copy of this Act in evidence for the purpose of showing that all the persons who came to the Cherokee Nation under the Act of December 3, 1880, aggregated 168 persons and were enrolled in the Executive office of the Cherokee Nation, and the name of the applicant does not appear thereon.

Commission: The document will be filed and made part of the record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in this case.

The Attorney for the applicant and representative of the Cherokee Nation submit this case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now on the record.

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOHN M. TAYLOR, ET AL., as citizens of the Cherokee Nation; in-
troduced on part of the Applicants:

25 The applicant was notified by registered letter February
18, 1902, that his application for the enrollment of himself
as a citizen of the Cherokee Nation would be taken up for final
consideration by the Commission at its offices in Muskogee,
Indian Territory, on the 18th day of March, 1902. On said
date the applicant appeared in person and by his Attorneys,
Hutchings, Parker & West, Vinita, Indian Territory, and by
agreement with the representative of the Cherokee Nation pres-
ent, the case was continued until the 21st day of March, 1902.
On this day, to-wit: the 21st day of March, 1902, the applicant
appears in person and by his Attorneys.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: The Attorney for the applicant requests
that the testimony had this day in the matter of the above
application be filed with and made part of the record in the
following cases: James Taylor, which was closed on the 13th
day of March, 1902, No. D. 941; David J. Mathews, et al.,
closed March 7, 1902, No. D. 697, and Frank M. Pucker, et al.,
closed March 17, 1902, No. D. 772.

W. J. McKEY, being duly sworn, testified as follows on
part of applicants:

BY MR. PARKER:

Q State your name and residence? A I live in Tahlequah district,
that is my home; I am at Wagoner at present; my name is W. J.
McKey.

Q What is your age? A 60 years old.

Q Where were you born? A Born in North Carolina.

Q How long have you lived in the Cherokee Nation? A Ever since
1867.

Q What official positions if any have you held in the Cherokee Na-
tion during your life?

Mr. Hastings: I submit that is entirely irrelevant.

Q What official positions have you held? A Why I was census taker
there twice in Flint district.

Q Were you acquainted with James Taylor? A Yes, sir.

Q What has been his principal occupation or business during the
time you have known him? A Which Jim Taylor?

Q I mean old man Jim? A He has been most of his time since I
can recollect in Washington, tending to business of the Nation.

Q Representative of the Nation, of the North Carolina Cherokees?

A Yes, sir.

Q Where has he been representing them? A At Washington.

Q Were you ever a member of the Convention that appointed him or give
him authority to represent the North Carolina Cherokees?

A Yes, sir, I suppose I was.

Q I wish you would examine that paper and see if that is a copy of the proceedings had at the convention and in what capacity you participated in that proceeding (paper shown witness and examined by him)? A Yes, sir, but I don't know anything about it.

Mr. Hastings: I submit that is a letter that is entirely irrelevant and it contains no figures whatever with this case; it makes no difference how many North Carolina people he represented, it does not tend to show that he is entitled to citizenship here in any wise.

Mr. Parker: In that connection Attorney for the applicant desires to state that it is for the purpose of showing what ^{James Taylor} was doing while residing in Washington, and thereby accounting for his absence from the Cherokee Nation.

Witness: That is the date of the proceedings.

Q In what capacity did you participate in that proceeding?

A I was president of that gathering.

Q What did that gathering do? A It gave Jim Taylor authority to look after the interests of the Cherokees of North Carolina in Washington.

Q What year was that? A 1894.

Mr. Parker: We desire to offer this copy of the proceedings had on that day.

Mr. Hastings: Well, the Cherokee Nation objects to it, first because it is a matter entirely irrelevant, and second because it is not certified to and is only a typewritten copy and no signatures thereto.

Commission: The document will be filed, and the Attorney for the applicant is requested to furnish the Commission with a certified copy of the same.

Q Do you know whether or not previous to that time James Taylor had been authorized to represent the Emigrant or North Carolina Cherokees, or had acted in that capacity? A No, sir, I don't know that he was; always my understanding is that he was at work for them; I don't know what authority, and don't know whether it was done by convention or anything about that.

Mr. Parker: We desire to now offer in evidence a certified copy of the proceedings of the Convention held at Tahlequah on the 3d and 4th day of October, 1884, approving and confirming the actions of the Delegate, James Taylor, and conferring upon him additional powers as their representative.

Mr. Hastings: The representatives of the Cherokee Nation object to the filing of this document because it is not a certified copy of the record, and it does not purport to be, and because the same is irrelevant and immaterial.

Q Where were you in 1889, Mr. Hickey? A I was in the Cherokee Nation.

Q Please state briefly your recollection of what happened in 1880 and 1881 with reference to the migration of the North Carolina Cherokees to this country? A Well, there was an act passed the Council in 1880, sometime in December, that there were two delegates sent back to North Carolina to invite the North Carolina Cherokees to the Cherokee Nation.

MR. HASTINGS:

Q That act was a matter of record there? A Yes, sir.

MR. PARKER:

Q Did you go with those delegates? A I didn't go with them; I met them there.

- Q Did you see the applicant, John M. Taylor, Jr., if so, where?
A Yes, sir; I saw him there in Cherokee County, North Carolina where those delegates had assembled with a crowd of Cherokees.
Q Was he among them? A Yes, sir.
Q What did that delegation do at that time? A They just extended the invitation to them to come to this country.
Q Pursuant to that invitation did people from that county and neighborhood come to the Cherokee Nation? A Yes, sir.
Q When did you next see John M. Taylor, Jr? A I don't recollect exactly but I think best of my memory serves me, it was in '81.
Q Whereabouts was he? A In Tahlequah.
Q In this country, Cherokee Nation? A Yes, sir, after I left there.
Q At what time did the North Carolina Cherokees who had accepted that invitation remove to the Cherokee Nation? A Some of them came that summer and in the fall.
Q It was that fall that you saw John M. Taylor here?
A I think it was.
Q To the best of your knowledge where has John M. Taylor resided since that time? A I could not tell you; I have seen him often; I have seen him at Tahlequah, in Cooweescoowas. I have heard of him often.
Q In this country? A Yes, sir, I don't know whereabouts he lived.
Q Were the North Carolina Cherokees who came in response to that invitation required to register at Tahlequah and to be enrolled, to your knowledge? A I could not tell you anything about it.
Q Did you so understand at that time? A I don't recollect anything about whether they were required to enroll or not; I know there was some that did enroll.
Q Was anything said about whether they would have to enroll or not?
A I never heard anything about it; there was some that enrolled that fall, some of the Powell children.
Q If they were required to enroll in response to that invitation you didn't know it at that time? A No, sir.
Q You were in Cherokee country, North Carolina when the invitation was extended? A Yes, sir.
Q And was here when they came? A Yes, sir.
Q According to your information where has James Taylor, the old man, made his, considered his home; where is his home considered to be since the North Carolina Cherokees came west? A I have saw him several times since and he always told me he lived in Cooweescoowas with his children.

MR. HASTINGS:

Q The North Carolina Cherokees did come and enroll, didn't they, Mr. McKey, when they came here, to the Executive office? A Some of them did.
Q Well, do you know of any outside of those that didn't?
A No, I don't know that I do.
Q You don't know of any? A No, I don't.
Q As a matter of fact they all came there and were enrolled and were paid some money by an Act of the National Council? A Yes, sir.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the Act of National Council passed December 16, 1881, the same being an Act of appropriation for the relief of the North Carolina Cherokees lately removed to the Cherokee Nation.

Commission: The document of 11 be filed and made part of this record in the case.

Mr. Parker: Attorneys for the applicant desire to object to the introduction of the Act of December 15, 1881, for the reason that the same provides for the payment of certain sum of money to persons whose names appear upon the roll, and has nothing whatever to do with persons who might have settled in the Cherokee Nation in response to the Act of December 3, 1880, and whose names were not upon that roll.

Mr. Hastings: The Cherokee Nation offers this certified copy of this Act in evidence for the purpose of showing that all the persons who came to the Cherokee Nation under the Act of December 3, 1880, aggregated 168 persons and were enrolled in the Executive office of the Cherokee Nation, and the name of the applicant does not appear thereon.

Commission: The document will be filed and made part of the record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in this case.

The Attorney for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

J. C. H.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskegee, I. T. June 2nd 1902.

Number Cherokee D. 745.

In the matter of the application of John M. Tayler Jr for the enrollment of himself and children as citizens of the Cherokee nation by blood and for his wife as a citizen by intermarriage.

.....

The testimony in this case shows that John M. Tayler was born on August 16th 1860, that he came to the Cherokee nation in January of 1881 after he had reached his majority, the same being called attention to by the Commissioner in charge before whom the applicant applied for enrollment. He was married to his wife on the 23rd day of February 1893 and her right to be enrolled depends upon that of her husband..

He claims that his father was James Tayler and that he came to the Cherokee Nation by invitation under the act of December 3rd 1880; but the records of the Commission show that all of the persons who came to the Cherokee nation from North Carolina under that act were received by the Principal Chief of the Cherokee nation and enrolled and their names placed on file in the Executive Office of the Cherokee nation; but applicant can not claim through his father because he was of age and he did not come to the Cherokee nation until after he was more than twenty-one years of age hence he must stand upon his own right.

To further show that all persons who came under the invitation of December 3rd 1880, enrolled upon arriving in the Cherokee nation the act of December 16, 1881, making an appropriation for the relief of the

North Carolina Cherokees lately removed to the Cherokee nation was filed. This act appropriates the sum of \$2500.00 to relieve the necessities of "These of the North Carolina Cherokees band of Cherokees numbering in the aggregate 168 persons who have lately removed to this nation under the invitation extended them by and through the act of the National Council approved December 3rd 1880 and that the said sum of \$2500 be paid share and share alike to the persons now living and whose names appear as members of this band upon the rolls now on file in the Executive

Department of this nation."

You will observe that a roll was made of those who came under the act of December 8, 1880 and that the name of the applicant is not found thereon and inasmuch as he was of age and inasmuch as his name does not appear upon the roll of 1880 we do not see how under the law the Commission can enroll him he never having been readmitted to citizenship in the Cherokee Nation by the National Council or any court or commission having jurisdiction.

Respectfully submitted,

W. W. Hastings

J. C. S.
Attorney for the Cherokee Nation.

J. C. S.

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COMMISSION TO THE LIVE OAKS
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Respectfully submitted,

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized tribes.

No. Cherokee D. 745

In the matter of the application of John M. Taylor Jr., for the enrollment of himself and children as citizens of the Cherokee Nation by blood and for his wife as a citizen by inter marriage.

The facts in this case are these: That John M. Taylor, Jr., a Northern Carolina Cherokee came to the Cherokee Nation in the year of 1880, he being twenty years of age, with his father James Taylor for the purpose of obtaining from the Nation an invitation to the eastern Cherokee Indians, who resided in North Carolina, and who wished to remove and join their brethren in the west, and to make such other arrangements with the Principal Chief, and the National Council, as would accomplish that object. That the applicant and his father arrived in the Cherokee Nation at Tahlequah in the fall of 1880, and made known to the principal Chief Bushyhead the desire of the Eastern Cherokees to remove and join their relatives and friends in the west.

That on the recommendation of Chief Bushyhead, the National Council on December 3rd, 1880 passed an act inviting the eastern Cherokees to remove to the Cherokee Nation west.

James Taylor and his son John M. Jr., the applicant returned to bring others with them in response to said invitation. The applicant assisted in getting them together and helped take some of them to Seuden, Tennessee, the nearest railroad point, and there turned them over to the representatives of the Government, who brought them to Muskogee, I.T. That the father ~~was~~ James Taylor came on about that time; that after a trip to Washington, a few months later John M., Jr., returned to the Cherokee Nation, arriving here the second time in the fall of 1881, since which time ~~he~~ has remained *his permanent*.

Those who came in the principal body were evidently in a destitute condition when they arrived, for upon reaching the Cherokee

Nation, ~~for~~ as an act of Charity the National Council on December 16th, 1861, made an appropriation for their relief. A list of those who were here at that time was made, and payment of the appropriation was pro rated amongst them.

the father,
James Taylor, and a brother of John M/ Jr., named James were upon that list; John M. Jr., the applicant had ~~not~~ returned from the east, but his presence was either not known, or he did not go to Tahlequah to get his name on the list and receive his share of the money.

There was nothing in the Act of December 3rd, 1860, which required the eastern Cherokees to register or be enrolled upon their arrival. The Cherokee Nation may argue that the list referred to is a roll of all the North Carolina Cherokees who responded to said invitation. No law authorized such a roll, and it does not purport to be such. No such construction was placed upon that list at the time it was made, and it is not unreasonable to ~~presume~~ presume that if it had anything to do with citizenship, or that it was to have the effect now contended for, that James Taylor, the moving spirit of the whole expedition would have known it and would have seen to it, that his family was placed thereon. The truth is John not being over there, or his name being overlooked (for the evidence shows he was in the country) he lost his share of the money appropriated for those named, *and that is all*

That no such construction was placed upon it at the time or in subsequent years is shown by the fact that the Cherokee Nation has at all times recognized John M. Taylor, Jr., the applicant by placing him upon the rolls and according him all the rights of citizenship. The Nation does not pretend that the applicant has not been so recognized, for it is fully brought out by the cross examination by her representatives.

In truth the list referred in the Act of 1861 is prima facie evidence that the persons named thereon accepted the invitation of the Cherokee Nation under the Act of December 3rd, 1860, but it is only one of the means of proving that fact. The roll itself

IS NOT ONE OF THE ELEMENTS OF CITIZENSHIP under the Act of December 3rd, 1880, BUT ONLY ONE OF THE MEANS OF PROVING ONE OF THE FACTS of removal and acceptance.

Under that act the applicant must show that he was in 1880 a North Carolina Cherokee Indian, and included in said invitation, and that he came within a reasonable time after said Act to the Cherokee Nation, or that being a minor his father did so, in response to the invitation extended, and since coming, or reaching his majority, has complied with all the laws requisite to citizenship.

That John M. Taylor, Jr., was a North Carolina Cherokee Indian twenty years of age, at the time this invitation was extended, the Cherokee Nation will not deny;

That he came here in 1880, assisted in having the act passed, returned to the east organized his relatives, neighbors and friends and started them west, returned to wind up his affairs, or what-not, and in the fall followed them, and permanently settled in the Cherokee Nation, they will not deny;

That he and his family since 1881, or for twenty-one years, have been recognized by every Department of the Cherokee Nation as citizens thereof, and placed upon every roll, and participating in every distribution of tribal funds, since that date the records will abundantly show, and the facts will not be denied by the Nation.

James Taylor, the father, and his entire family, included John M. Jr., received their removal money under the Act of December 3rd, 1880, and have all resided in the Nation since 1881, except when the girls were away at school, and the father away on business.

We think the evidence shows that John M. Jr., the applicant came here in 1880, as did his father with the intention of making this his home, if the invitation they desired was extended. He testified he made at little place near Tahlequah in 1880, and cut some hay therefrom. It is apparent from his conduct when he went back it was for the purpose of assisting others. His actions

4

show he did not return to North Carolina for the purpose of remaining. For does not that list of which the Nation talks so much - the immortal 168 names - show that his father, the head of the house and his brother were included therein, and therefore "had accepted the invitation of the Cherokee nation to remove west" His return in a few months fully accords with this. The Taylors had no home in North Carolina in 1881 to which he could go, for does not the evidence show, that the father and brothers were here, the two little girls in Indian school, and John M. traveling back and forth. Clearly, if it is essential either that the applicant's name be on that roll or that he must claim through his father, who is thereon as Number 20, he may do the latter. He came to the Nation in 1860, and after the passage of the Act of December 3rd his purpose to make this his home was fixed, his return to North Carolina was to help others come; at that time he was only 20 years of age, and his return in 1881 was in pursuance of a purpose already fixed.

But we prefer to rely upon a broader reason than that. He is a Cherokee Indian by blood, and came in response to the invitation extended to the band of which he was one; that he came and permanently settled in the Nation within a reasonable time; and that he is a member of the Nation by reason of said Act of December 3rd, 1880, and his compliance therewith.

That he has been placed upon the rolls and recognized as a citizen by the tribal authorities, and his family likewise, and the Nation in this proceeding has not even intimated, much less attempted to prove that he procured such recognition by fraud, and for the first time in twenty-one years questions his citizenship because he was not among a list of immigrants who came at one time, a part of whom he organized and started on the way himself.

Respectfully submitted,

Attorneys for Applicants.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 6th, 1902.

In the matter of the application of John M. Taylor, Jr., for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Bertha E. Taylor, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Blaine S., Murel, Robert C. and James R. Taylor as citizens by blood, of the Cherokee Nation.

Supplemental to D-745.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

JOHN M. TAYLOR, JR., being duly sworn, testified as follows:
Examination by the Commission.

- Q. Give the stenographer your full name? A. John M. Taylor, Jr.
Q. How old are you, Mr. Taylor? A. 42.
Q. What is your post office? A. Claremore, Indian Territory.
Q. You are a Cherokee Citizen by blood, are you? A. Yes, sir.
Q. What is the name of your wife? A. Bertha E. Taylor.
Q. Is Bertha E. the same person for whom you made application in 1900? A. Yes, sir.
Q. When did you marry her? A. February 23rd, 1893.
Q. Was she ever married before? A. No, sir.
Q. Were you ever married before? A. No, sir.
Q. How long have you lived in the Cherokee Nation? A. 21 years.
Q. Never resided out of the nation? A. No, sir.
Q. Has your wife Bertha E. been living there since your marriage? A. Yes, sir.
Q. How many children have you? A. I have four living. I have one dead. James R. is dead.
Q. How many living? A. Four.
Q. What are their names? A. Blaine S., Murel, Robert C. and a little one, a baby born in August.
Q. What is that baby's name? A. Florence Phelma Taylor.
Q. Did you send a birth certificate of that child? A. Yes, sir.
I received an answer. One is dead. James R. is dead.
Q. When was this child born? A. 17th of August, 1902.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of November, 1902.

Jesse O. Carr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John M. Taylor, Jr., and his four minor children, Blaine S., Mabel, Robert O., James R., and Florence P. Taylor, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Bertha E. Taylor, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 21, 1900, John M. Taylor, Jr., appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself and his four minor children, Blaine S., Mabel, Robert O., and James R. Taylor, as citizens by blood, and for the enrollment of his wife, Bertha E. Taylor, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1902, and October 2, 1902, and on October 21, 1902, a birth affidavit was filed for Florence P. Taylor.

The evidence shows that the said John M. Taylor, Jr., a Cherokee by blood, was lawfully married on February 23, 1880, to Bertha Matthews, a white woman. John M. Taylor, Jr., first came to the Cherokee Nation in the month of August 1880, he at that time being twenty years of age. In October 1880, negotiations were begun for the removal of the North Carolina Cherokees to the Cherokee Nation, the father of John M. Taylor, Jr., James Taylor, being the representative of the North Carolina Cherokees in these negotiations. After the enactment of the Act of September 3, 1880, under the authority of which an invitation was extended to the North Carolina Cherokees to remove to the Cherokee Nation, the said John M. Taylor, Jr., returned to North Carolina to assist in the removal of the North Carolina Cherokees, and in the winter of 1881 he became a permanent resident of the Cherokee Nation. His name does not appear upon the list of North Carolina Cherokees who were removed, but the name of his father, James Taylor, does appear upon that list. Upon an examination of the tribal rolls of the Cherokee Nation in the possession of this Commission, the name of John M. Taylor, Jr., is found upon the Cherokee pay roll of 1882, on the Cherokee census roll of 1883, on the Cherokee Strip payment roll of 1884, and on the Cherokee census roll of 1885. Bertha E. Taylor, the wife of John M. Taylor, Jr., and his four children, Blaine S., Mabel Taylor, and Robert O., and James R. Taylor, were born on July 22, 1887, and January 2, 1890, respectively, and proper proof of their births has been furnished this Commission. It appears, however, that James R. Taylor died February 21, 1900, as

appears from an affidavit of death made a part of the record herein.

The evidence further shows that the said John M. Taylor, Jr., has resided continuously in the Cherokee Nation ever since the year 1881, and that his wife, Bertha E. Taylor, has lived with him ever since their marriage. The children of John M. Taylor, Jr., and his wife, Bertha E. Taylor, are living with their parents, and it is considered that they have lived continuously in the Cherokee Nation ever since their birth.

It is, therefore, the opinion of this Commission that John M. Taylor, Jr., Elaine E. Taylor, Murel Taylor, Robert C. Taylor and Florence J. Taylor, should be enrolled as citizens by blood, and that Bertha E. Taylor should be enrolled as a citizen by inter-marriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1898 (30 Stats., 495) and it is so ordered. It is further ordered that the application as to James R. Taylor, be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED): Tams Bixby.
Acting Chairman.

USP: T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this DEC 10 1902

Muskogee, Indian Territory, December 15, 1902.

P. G. Reuter,

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:-

In the matter of the application of John M. Taylor, Jr., for the enrollment of himself and children as citizens of the Cherokee Nation, the decision as signed, shows the name of the Child, Florence T., as Florence P. Taylor.

You are hereby directed to correct the name of said child in said decision, so that it will appear therein by its correct name, Florence T. Taylor.

Respectfully,

SIGNED,

Jams Bixby

Acting Chairman.

SIGNED,

T. B. Needles

Commissioner.

SIGNED,

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. January 1st 1903.

In the matter of the application of John M. Taylor Jr for enrollment of himself and family as citizens of the Cherokee Nation.

Cherokee D 743

Womes now the Cherokee nation and respectfully dissents from the opinion of the Commission rendered in this case and respectfully asks that the record together with the brief filed by the Cherokee nation be forwarded to the Honorable Secretary of the Interior for review.

Respectfully,

W W Hastings
Attorney for the Cherokee nation.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 745.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

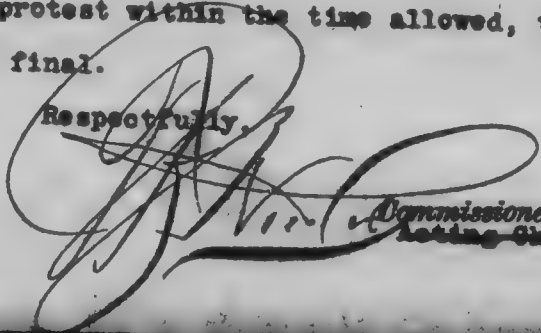
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of John M. Taylor, Jr. for the enrollment of himself and his four minor children, Blaine S., Murel, Robert C. and Florence T. Taylor, as citizens by blood, for the enrollment of his wife, Bertha E. Taylor, as a citizen by intermarriage, of the Cherokee Nation, and dismissing his application for the enrollment of his minor child, James E. Taylor, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enclosure H. No. 387.


Commissioner in Charge.
Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVILES WORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-745

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.


W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of John M. Taylor Jr., for the enrollment of himself, wife and children, together with the Commission's decision, dated December 10, 1902, granting said application as to the enrollment of John M. Taylor Jr., and his four minor children, Blaine S., Murel, Robert C. and Florence T. Taylor, as citizens by blood, and his wife, Bertha E. Taylor, as a citizen by intermarriage of the Cherokee Nation, and dismissing said application as to the enrollment of his minor child, James R. Taylor, and the protest of the Cherokee Nation against said decision, dated January 2, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

Refer in reply to the following:
Land 6300-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Feby. 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 23, 1903, forwarding, for the Department's consideration, the record relative to the application of John M. Taylor, Jr., for the enrollment of himself and his four minor children, Blaine S., Murel, Robert C., James R. and Florence T. Taylor, as citizens by blood, and for the enrollment of his wife, Bertha E. Taylor, as a citizen by intermarriage, of the Cherokee Nation.

December 10, 1902, the Commission held that all of the applicants were entitled to enrollment as citizens of the Cherokee Nation, except James R. Taylor, whose application was dismissed.

The attorney for the Cherokee Nation, and the attorneys for the applicants filed briefs and arguments in the case, and the Cherokee Nation protests against the Commission's decision.

James R. Taylor died February 22, 1902, and is not therefore entitled to enrollment.

The record in this case shows that John M. Taylor, Jr., is a Cherokee by blood; that on February 23, 1893, he married Bertha McOthens, a white woman; that he first settled in the Cherokee Nation in August 1890; that he was at that time about twenty years of age; that in October 1890 negotiations were begun for the removal of

the Cherokees from North Carolina; that James Taylor, father of the Principal applicant in this case, represented the North Carolina Cherokees in such negotiations; that subsequent to the act of December 3, 1880, under which an invitation was extended to the North Carolina Cherokees to remove to the Nation, the principal applicant in this case removed and assisted in the removal of other North Carolina Cherokees, and that he became a resident of the Cherokee Nation in 1881.

The record does not show that his name appears upon the list of Cherokees who removed, but the name of his father does appear upon that list.

The principal applicant's name appears on the 1886 pay roll, the Census roll of 1890, the strip payment roll of 1894 and the Cherokee Census roll of 1896.

The name of the applicant's wife, and the names of his two children, Blaine S. and Murel Taylor, appear on the 1896 roll. The other children were born subsequent to the date of 1896 roll was made, and are properly identified by birth affidavits.

The record also shows that the principal applicant has resided in the Cherokee Nation since 1881, and that he and his wife have lived together since their marriage.

In view of the foregoing the office is of the opinion that the decision of the Commission is correct, and recommends its approval.

Very respectfully,

SAV-O.

Commissioner.

D.C.No.23545-1903.

ITD.1520-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 21, 1903.

J.P.
OMR.

The Commission

to the Five Civilized Tribes,

Gentlemen:

The Department has considered the case involving the application of John M. Taylor, Jr. for the enrollment of himself and his minor children, Elaine S., Murel, Robert C., James R., and Florence T. Taylor, as citizens of the Cherokee Nation by blood, and for the enrollment of his wife, Bertha M. Taylor, as a citizen by intermarriage of said nation. (Cherokee D-745.)

December 10, 1902, you rendered a decision in the case in favor of the applicants, except James R. Taylor, who died February 2, 1902; therefore you denied the application as to him. The Cherokee Nation protests against your decision.

It appears that the principal applicant, a North Carolina Cherokee, came to the Cherokee Nation in 1880 when 20 years of age, with his father, to make arrangements by which the North Carolina could move to the Cherokee Nation; that on December 3, 1880, the Cherokee National Council passed an act which provides that-

"The Principal Chief is hereby authorized to appoint two Commissioners, by and with the advice and consent of the Senate, to proceed without unnecessary delay to the state of North Carolina and invite the Cherokees that reside there to remove into the Cherokee Nation."

"The Commission appointed by the Cherokee Nation are authorized to confer with and perfect such arrangements with a like Commission appointed by the U.S. Government to effect the removal of the Cherokees of North Carolina."

It appears that the principal applicant and his father returned East after that time to bring others to the Nation in response to this invitation; that the principal applicant, after reaching his majority, returned to the Nation in the fall of 1881 and his residence has been there since that time. December 16, 1881, the Cherokee National Council passed an act for the relief of North Carolina Cherokees who had removed to the Nation, in which it was provided:

"That the sum of two thousand six hundred and eighty eight dollars be and the same is hereby appropriated out of the General Fund, for the purpose of relieving the present necessities of those of the North Carolina 'band' of Cherokees numbering in the aggregate one hundred and sixty eight persons, who have lately removed to this Nation under an invitation extended them by and through an act of the National Council approved Dec 3rd 1880 and that the said sum of two thousand six hundred and eighty eight dollars be paid share and share alike to the persons now living and whose names appear as members of this 'band' upon the rolls now on file in the Executive Department of this Nation."

On the list referred to appears the name of the applicant's father and the name of his brother. This Nation, through its attorney, claims that as the evidence shows that the principal applicant's name is not on this list, and that as there is no evidence to show that he was ever admitted to citizenship in the Cherokee Nation, none of the applicants are entitled to enrollment; that it will be observed from the act of December 16, 1881; that the roll was made of all the Cherokees who came under the invitation contained in the act of December 3, 1880, and filed in the Executive Department of the Cherokee Nation; that at the time of the act of 1881 an applicant whose name does appear upon said roll was deemed to have come to the Cherokee Nation under the act of 1880.

There is no certainty as to what was required as to those coming to the Nation under said invitation. Apparently those who took advantage of this act were recognized before coming to the nation as North Carolina Cherokees and were accepted on arriving in the nation as such without any subsequent act of the Council or the nation's authorities. This is to some extent shown by the Cherokee act of December 16, 1881, referred to. Though a list was made of 168 of the North Carolina Cherokees who removed to the nation under the act of 1880, there is no evidence that such roll was absolutely necessary or that all the North Carolina Cherokees who removed at that time were on that roll.

Reporting in the matter February 13, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

Under the circumstances, finding the parties identified upon the rolls of the nation subsequent to 1880, except those who were born subsequent to such rolls, the presumption must be that they were placed thereby authority of law. Your decision is accordingly hereby affirmed as to all the applicants except Bertha E. Taylor, who claims as a citizen by intermarriage. Her rights will not be adjudicated at this time but will await the decision of the Court of Claims upon the question submitted to said court on February 24, 1903, relative to the rights of intermarried Cherokees.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-745

Muskogee, Indian Territory, September 11, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

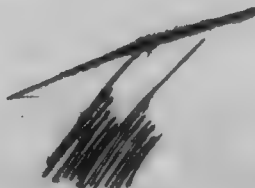
Dear Sir:

You are hereby advised that the Commission's decision dated December 10, 1902, granting the application of John M. Taylor Jr., for the enrollment of himself and his four minor children, Blaine S., Murel, Robert C. and Florance T. Taylor, as citizens by blood and for the enrollment of his wife, Bertha E. Taylor, as a citizen by intermarriage of the Cherokee Nation, and dismissing his application for the enrollment of his minor child, James R. Taylor, was affirmed by the Secretary of the Interior as to all except his wife on August 21, 1903.

The Department's letter states:

"Your decision is accordingly hereby affirmed as to all the applicants except Bertha E. Taylor, who claims as a citizen by intermarriage. Her rights will not be adjudicated at this time but will await the decision of the Court of Claims upon the question submitted to said court on February 24, 1903, relative to the rights of intermarried Cherokees."

Respectfully,



Chairman.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D.1520-1903.

November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of August 21, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Bertha E. Taylor as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said Bertha E. Taylor is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

6 inc. for Ind. Of.

Cherokee
D 745.

Maskogee, Indian Territory, December 12, 1906.

Bertha E. Tayler,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

Respectfully,

S.W.

Commissioner.

Cherokee
D 745.

Muskogee, Indian Territory, December 12, 1906.

W. T. Hutchings,

Attorney for Bertha B. Taylor,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of Bertha E. Taylor as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-23.
S.W.

Commissioner.

REFERS IN REPLY TO THE FOLLOWING:

Cherokee

D 745.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 12, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

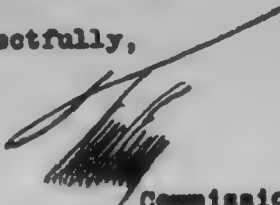
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of Bertha H. Taylor as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

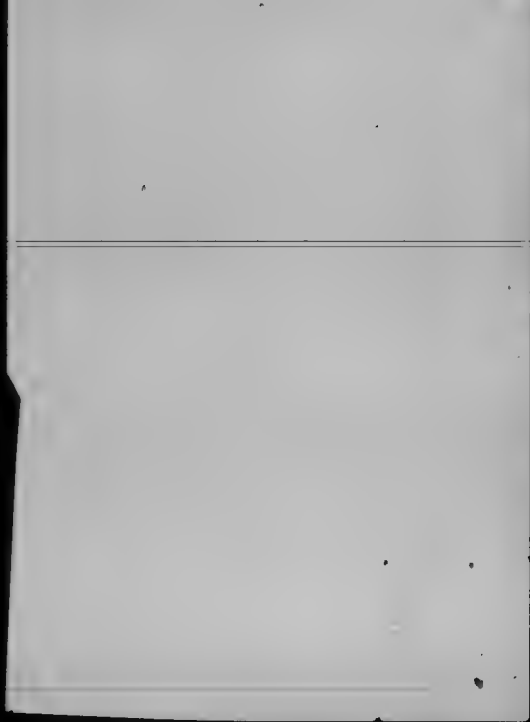
For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Commissioner.

Encl. W-24.
S.W.



Chem D 746

Engraved and sold by order of the 20th and 21st of October, 1800:

phases.
According to a film and composite photograph of him stenographic notes recorded his testimony and proceedings in this case, and that the transcript for the Commission for the Nise Quilted Ladies' as corrected by "O. O. Roemer" being first duly sworn states that he stenog-

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all the square of the land donation of the Government.
and for further consideration, and he will be informed at his next
interview, and his objection will be placed on a temporary
Objection Committee. The objection will be placed on a temporary
Objection Committee that she was ever re-accepted after her return to the
at least prior to the loss of 1880 in the Objection Committee and was
lost on the loss of 1880. It appears that she lived for a number
1880 and his wife is identified on that loss. She is not identified
the Objection Committee and his wife. He is identified on the loss of
Stephen G. McKelvey. The objection states that he was lived in
objection, a wife, and objection was made for the enjoyment of the
in case D. 666, where objection was made for the enjoyment of the
died another time. There is also testimony relating to this case
shows that he left the home that was occupied and was since con-
fined together some three years and then buried. The testimony
affirms both of his former and certificate. He states that they
lost in October, 1880. He is not able at this time to present an
to a Objection wife in accordance with the laws of the Objection Re-
Committee. McKelvey:--The objection states that he was married

ES.

HAIR

Washed per Octopol, 1890. V I have.
of your name placed in the Glimmer Nation, have you? even those who
of you did it last night was a young one.

1956 R-2; Date 312; 4400 'Amos A. Told' Gooseberries
1958 R-2; Date 308; 4400 'Kate Told' Gooseberries.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLARKSBURG, I.T., OCTOBER 30th, 1900.

In the matter of the application of Ames W. Lord for enrollment as a citizen of the Cherokee Nation; said Lord being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Ames W. Lord.
Q How old are you? A 66.
Q Give me your post office? A Turley.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Do you apply for the enrollment of yourself and family? A Myself alone.
Q Are you Cherokee by blood? A I am not.
Q Let me see your marriage license and certificate? (Produces papers.)
Q When were you married? A In 1894 I believe it is.
Q Was not it on October 30th, 1895? A Probably it was.
Q Who was it you married? A Mrs Kate Claywell.
Q Do you claim that you married her in accordance with Cherokee law? A I do.
Q In what district? A Cooweescoowee district.
Q Now, your wife, Mrs. Claywell, she was a Cherokee was she? A She was a Cherokee.
Q Is she alive or dead? A Alive.
Q How long did you and she live together? A Well, we lived together somewhere about three years continuously. She had a farm and I had one.
Q And then you parted? A Partially parted.
Q Did you ever get a divorce from her? A No, sir.
Q There has been no divorce proceedings between you? A No, sir.
Q Did you leave her or she leave you? A She left me.
Q She went to another farm did she? A No, not really to another farm, she staid on my farm. We had two farms together and she rented her farm.
Q Did she stay on the same farm she staid on whil she was with you? A Yes, sir.
Q What did you do? A I went to another farm.
Q She staid on the farm that you and she had occupied? A Yes.
Q And you went to another farm? A Yes.
Q It looks like you left her? A Well, -----
Q What was your wife's maiden name? A Kate Hastings.
Q That was along about 1897 you agreed to separate? A Yes, sir.
Q Have you ever taken up living together since 1897? A Not to continue.
Q Have you been together at all? A Considerable.
Q Have you and she lived together since you separated in 1897?
A She comes to my house visiting and I go there. We continuously living together.
Q Not actually living together at all? A No, not actually living together.
Q Where was it was your wife born? A In the Cherokee Nation.
Q Did not she go down with her mother to the Choctaw Nation before 1897? A I do not think she did.
Q Did not she live in the Choctaw Nation come? A Yes, sir, in the Choctaw and Chickasaw Nation with she and her husband.
Q She has a son named Stephen G. Maxfield, has not she? A She has a son named S. G. Maxfield.
Q This you stated in an examination for the enrollment of his mother that she lived down in the Choctaw Nation for about 14 years; do you know anything about that? A I do not.
Q Then he said she had been here living about 1897? A About 1891.
Q And he said that she applied to the Cherokee Commission or Council for re-enrollment? A Yes, sir.
Q Have you any knowledge of her having been re-admitted by the Cherokee Council or Commission? A Not personal knowledge, not, sir.

Amos W. Lord--2.

She told me that she was re-admitted about '83.

1896 Roll, page 302, #2909, Kate Lord, Cooweescoowee.

1896 Roll, page 313, #295, Amos W. Lord, Cooweescoowee.

Q How old is your wife now? A About 60.

Q You have lived in the Cherokee Nation, have you, ever since you married her in October, 1895? A I have.

Com'r Breckinridge:--The applicant claims that he was married to a Cherokee wife in accordance with the laws of the Cherokee Nation in October, 1895. He is not able at this time to present an official copy of his license and certificate. He states that they lived together some three years and then parted. The testimony shows that he left the home that was occupied and has since occupied another farm. There is also testimony relating to this case in case D. 685, where applicant was made for the enrollment of the applicant's wife; said applicant having been made by her son, Stephen G. Maxfield. The applicant states that he has lived in the Cherokee Nation ever since his marriage. There has been no divorce between him and his wife. He is identified on the roll of 1896 and his wife is identified on that roll. She is not identified on the roll of 1880. It appears that she lived for a number of years prior to the roll of 1880 in the Choctaw Country and does not establish that she was ever re-admitted after her return to the Cherokee Country. The applicant will be classed as a Cherokee by intermarriage, and his application will be placed upon a doubtful card for further consideration, and he will be informed at his post office address of the final decision of the Commission.

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J. O. Ressen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ressen

Subscribed and sworn to before me this 30th day of October, 1900:

[Signature]

Commissioner.

FILED

NOV 8 1900

COMMISSIONER OF THE LAND OFFICE
WASHINGTON, D. C.

THE MATTER OF THE APPLICATION OF
ANDREW W. LORDE FOR ENROLLMENT
AS A CITIZEN OF THE UNITED STATES
AND AS BEING SWORN AND
EXAMINED BY COMMISSIONER, C. H. BUCKINGHAM, AS FOLLOWS:

Q What is your full name? A Andrew W. Lorde.
Q What is your age? A Sixty six.
Q What is your birthplace? A Turkey.
Q You live in Goosewood, Montana, do you? A Yes sir.
Q You want to give some additional testimony in the application
made for your family the other day? A Yes sir.
Q Were you included in that application? Did your wife make the
application? A I think her name was in the application.
Q It related to the admission of your wife to enrollment, did it?
A Yes sir.
Q That is all you want to talk about now, is it? A That, and
nothing else.
Q Have you made application before to be enrolled yourself? A
I have.

A As regards your wife, Kate Lorde, about whose case you speak,
the records show that the evidence of her residence in this
territory has been filed with the Commission.
Q Was Kate Claywell? A Yes sir.
Q Therefore, there is nothing for you to say in regard to that
matter, is it settled?
Q Is there any thing additional that you have to say about your-
self? (Applicant hands paper to Commissioner.)

The applicant presents an official copy of the records of
Goosewood, Montana, showing that he was married in accordance
with the laws of Montana, on the 30th of October,
1898. This official record will be filed with his case (D - 748)
and as indicated the official evidence in his wife's case (D - 682)
is filed, showing that she was admitted to citizenship by an act
of Council, approved November 18th, 1898.

The undersigned, being sworn, states that as stenographer to the
Commissioner of the Five Civilized Tribes, he carefully recorded the
testimony and proceedings in this case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 8th day of November, 1900.

COMMISSIONER

SUPPLEMENTARY TESTIMONY.

D-7 4000 8-4001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES,
CLARKSON, N. Y., NOVEMBER 8th, 1900.

THE MATTER OF THE APPLICATION OF Amos W. Lord for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. B. Breckinridge, testified as follows:

- Q What is your full name? A Amos W. Lord.
Q What is your age? A Sixty six.
Q What is your Postoffice address? A Turley.
Q You live in Coconawocowee District, do you? A Yes sir.
Q You want to give some additional testimony in the application made for your family the other day? A Yes sir.
Q Were you included in that application? Did your wife make the application? A I think her son made the application.
Q It related to the admission of your wife to enrollment, did it?
A Yes sir.
Q That is all you want to talk about now, is it? A That, and myself.
Q Have you made application before to be enrolled yourself? A
A I have.

As regards your wife, Kate Lord, about whose case you speak, the records show that the evidence of her readmission to citizenship has been filed with the Commission.

Q Was Kate Claywell? A Yes sir.

Therefore, there is nothing for you to say in regard to that matter, as it is settled.

Q Is there any thing additional that you have to say about yourself? (Applicant hands paper to Commissioner)

The applicant presents an official copy of the records of Coconawocowee District, showing that he was married in accordance with Cherokee law to Mrs. Kate Claywell, on the 30th of October, 1898. This official record will be filed with his case (D-746) and as indicated the official evidence in his wife's case (D-685) is filed, showing that she was readmitted to citizenship by an Act of Council, approved November 18th, 1899.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 8th day of November, 1900.

C. B. Breckinridge

Supl.-C.D.#746.

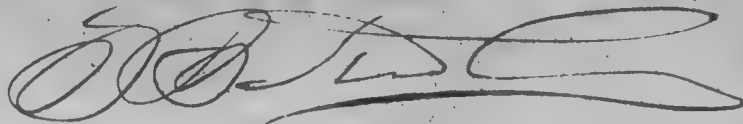
Department of the Interior,
Commission to the Five Civilized Tribes?
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of AMOS W. LORD
as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter and the applicant, this day, to-wit: the 8th day of March, 1902, appears in person and by his Agent, J. R. Sequichie.

Mr. J. C. Starr, Cherokee Representative, present.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger
Notary Public

Subscribed and sworn to before me this 17th day of June, 1908.

Q When did you first see the deceased? A Yes, sir.
Q How long before her death? A About 1891.
Q Where did you see her? A In the city of St. Louis, Mo.

Arthur G. Croninger
Notary Public

Q How long did you know her? A I knew her for some time.
Q Where did you know her? A In the city of St. Louis, Mo.

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Q How long did you know her? A I knew her for some time.
Q Where did you know her? A In the city of St. Louis, Mo.

AMOS W. LORD, Notary Public

Q When did you first see the deceased? A She died in March, 1891.
Q How long before her death? A Well 1891.

Q About how long? A About 8 years ago.
Q Where was she living when she died? A At her home.
Q How long had she been sick prior to her death? A Not more than four or five days.

Q When was she living? A I was there in her home with her for the whole time from the day she was first sick until she died.

Q How long did you know her? A I knew her for some time.
Q Where did you know her? A In the city of St. Louis, Mo.

Q How long did you know her? A I knew her for some time.
Q Where did you know her? A In the city of St. Louis, Mo.

Q How long did you know her? A I knew her for some time.
Q Where did you know her? A In the city of St. Louis, Mo.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 6, 1902.

In the matter of the application of Amos W. Lord for the enrollment of himself as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-746.

APPEARANCES:

Applicant present in person.

J. C. Starr in behalf of Cherokee Nation.

COMMISSION: The applicant in this case was notified by registered letter May 23, 1902, to appear before the Commission on or before June 7, 1902, and submit further evidence as regards the separation of himself from his wife, Kate Lord. The applicant this day, to wit, the 6th day of June, 1902, appears in person.

AMOS W. LORD, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Amos W. Lord.
Q Where do you live, Mr. Lord? A I live the most of the time down in the Osage Nation, now for about three months.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage, are you? A I was.
Q What is the name of the wife through whom you claim your right to enrollment? A Her name was Claywell before I married her.
Q Before you married her? A Yes, sir.
Q What was her maiden name? A I think it was Starr.
Q Was it Starr; are you sure about that? A No, I'm not sure.
Q Wasn't it Hastings? A Oh, yes, yes, yes, it was Hastings.
Q When were you married to your wife? A I was married near about September, I think, '94.
Q '95 wasn't it? A It might have been '95.

The record in this case shows that the applicant was married on the 30th day of October, 1895.

Q Your wife was married before she married you, was she? A She was.
Q What was the name of her first husband? A Maxfield.
Q How long did you and your wife continue to live together after your marriage? A A little over two years.
Q What was the cause of this separation? A Her son that lived with her and I didn't agree very well; after a while he persuaded her to rent the farm. I had a place and went there to live with her; she wouldn't leave the place, that she wanted me to go and live with her. I went to live with her and I rented her farm for two years, worked it for two years; the first year I didn't get much of anything, was all broken down, fences all down, and I put up fences, and the second year I paid her two hundred dollars rent, and I proposed to rent it the third year, and in the mean while her son and I didn't agree very well on some things.
Q Did you ever have any trouble with your wife? A Never any trouble, never a cross word between us.
Q Well when you separated did you leave the place or did she leave? A Well you might say that I left it; we lived there together, and I had worked the farm the year before, and I proposed to rent it again, but he had influenced her not to rent it to me; rent it to some one else. She rented it to another man, rented him the house and took board with him, and virtually rented me out; when she told me about it we had no words then.

Q Well did you rent this farm from your wife? A I did.

Q You paid her a rental for it every year? A I paid, the first year I didn't get nothing; the farm that she and her son really had was some six or seven hundred acres in cultivation; and I proposed to her to give him up everything excepting the old home place, there was ninety acres in cultivation, and I fenced that separate; I found I couldn't raise anything as it was, so many owned it in common, and I fenced it separate and got a good crop and paid her two hundred dollars.

Q That was the second year? A That was the second year.

Q What had been your treatment toward your wife prior to your separation? A Just as pleasant as could be on both sides.

Q Where did you go after your separation from her? A I went to a place to labor with my son on a farm that I had made under a lease, and bought the farm right off at once after the separation.

Q Where was that farm? A Located on Bird Creek about eight miles north.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q Where have you been residing since your separation? A On that farm ever since, till within the last four months.

Q Were you married before you married this Kate Lord? A I had been.

Q What was the name of your first wife? A Her name was - before she married?

Q Yes, sir. A Mary E. Johnson.

Q How long did you and she live together? A We lived together thirty years.

Q Until her death? A Until her death.

Q She died prior to your marriage to your present wife? A Yes, sir.

Q Now Kate Lord was married before she married you, was she not? A Yes, sir.

Q How often? A Two times.

Q Did you know her first husband? A I did not.

Q Did you know her second husband? A I did.

Q Do you know whether both of her husbands were living or dead when she married you? A I know the last one is dead, and have reason to believe that the first one is.

Q You know the last one she married prior to your marriage to her was dead? A Yes, sir, I went to his funeral.

Q Have you and your wife ever lived together since your separation?

A Well she stayed where she lived, she made her home on her farm, and I made mine on mine, and we would go back and forth, she would come to my house and stay a week or ten days, or when we was threshing or harvesting, or anything of that kind, she would come up and assist.

Q How far was your farm from hers? A About six or eight miles, and we would visit backwards and forth, when she was sick I employed a physician, she got hurt in town one time, thrown from a wagon.

Q Have you ever contributed anything to her support since your separation? A I have paid her doctor bills ever since the separation, and have bought the greater part of her clothing, but not any great amount of groceries; she rented her farm right along; whenever she would tell me she wanted anything I would get it for her.

Q How much money have you contributed towards the support of your wife since the separation? A I couldn't estimate how much.

Q You couldn't estimate the amount? A No, sir, I can't.

Q When was the last time she came to see you and stayed with you any length of time? A I couldn't give the dates.

Q Well do you know about when it was, about how long ago? A Year ago last winter.

Q How long did she stay there? A She was there three or four days.

Q How often since your separation has she come to visit you or have you gone to see her? A Well I would see it often as once in two weeks.

Q You have seen each other that often since your separation? A Yes, sir, certainly.

Q And stayed together for several days at a time? A When she would come to my house she would stay several days, and I would go down where she lived some time during the week and stop all night when I wasn't busy.

Q Have you ever lived together as man and wife since your separation? A Certainly.

Q You have never procured a divorce from her? A No, sir.

Q Has she ever procured one from you? A No, sir.

Q Have proceedings ever been instituted by either of you? A Never.

JENNIE PRICE, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A Jennie Price.

Q How old are you? A I am 37.

Q What is your postoffice address? A Tulsa, Indian Territory.

Q Are you acquainted with the applicant in this case, Amos W. Lord? A Yes, sir.

Q How long have you known him? A I have known him for about eight years.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Kate Lord, Kate Maxfield it was before she was married to Lord.

Q What was her citizenship? A Cherokee.

Q Is Mr. Lord a citizen by blood or a white man? A He's a white man.

Q What do you know about his marriage to Kate Lord; do you know when they were married? A Yes, sir.

Q Were you present at the marriage ceremony? A I wasn't at the marriage ceremony, but I saw them as they went along to get married.

Q Have you known them continuously since that time? A Yes, sir.

Q How long did they continue to reside together as man and wife after their marriage? A About two years.

Q What do you know, if anything, about the separation? A Why I don't think there was any trouble with each other; I think their son was the cause of her renting him off.

Q How old a man was her son? A Well he's about 25 I would think; I think that's his age.

Q Did you ever visit her while they were living together as man and wife? A Yes, sir.

Q What was Mr. Lord's treatment towards his wife at that time? A Just as kind as he could be to her.

Q Did you hear them quarrel or have any dispute about anything at all? A No, sir.

Q Have you known them since their separation? A Yes, sir.

Q Do you know whether or not Mr. Lord has contributed anything to the support of his wife since that time? A Yes, sir.

Q You know that of your own knowledge? A Yes, sir.

Q Have you ever had any conversation with the applicant's wife about this separation? A Yes, sir.

Q Did she blame him in any way for the separation? A No, sir, she always spoke highly of him to me.

Q Is she living now? A No, sir, she's dead.

Q When did she die? A She died about a year ago in March I think, I couldn't say for certain the date.

Q Do you know whether or not they lived together as man and wife after their separation? A Why I know they went to each other's house.

Q Do you know for how long a period they stayed there? A Yes, sir, I know she stayed for a week or ten days at a time, and he would

come and stay a day or night or maybe longer than that at her house.

Q Do you know whether or not the applicant was present when his wife died? A Yes, sir, he was there.

Q Did he attend her at that time? A Yes, sir.

Q For how long prior to her death had he been present, if you know?

A Why about three or four days; as long as she stayed sick.

Q How long was she ill? A About that length of time; he was there most all the time.

Q Was he there all the time? A Yes, sir.

Q Do you know who paid the doctor bills? A She told me he was going to pay it on her death bed; Mr. Canady said that Mr. Lord was going to pay it.

MR. STARR: The cause of the separation was some trouble about Mrs. Lord's son, was it? A I think so; I think he persuaded her to rent her farm or lease her farm away from the old gentleman.

Q She was renting it to Mr. Lord? A Yes, sir.

Q And because she wouldn't rent it to him again he left her? A No, I don't know as he left her; she just rented him out I think you might say; she rented her farm to another man, and he brought his family there to his house.

Q That's the reason Mr. Lord left then, was it? A Yes, sir.

COMMISSION: What became of Mrs. Lord when they went to this farm; where did she go? A She boarded with the family that moved on her place.

Q She boarded there? A Yes, sir.

Q How long did she continue to reside there on that place, till the time of her death? A Yes, sir, she was living there at the time of her death.

Q She stayed right on the old home place, did she? A Well she stayed about five or six months up on his place, and then she moved on her farm.

Q Where did she die? A She died on the farm.

AMOS W. LORD, recalled:

COMMISSION: Is your wife, Kate Lord, living at this time? A She is not.

Q When did she die? A She died in March, 1891.

Q Do you mean 1891 or 1901? A Well 1901.

Q About a year ago? A About a year ago.

Q Where was she living when she died? A At her home.

Q How long had she been sick prior to her death? A Not more than four to five days.

Q Where were you during the time of her sickness? A I was there at her house with her from the second day; from the second day she was taken sick; she sent me word by a man that was working at the farm that she was sick, and I went over that night, and stayed there until she died, until after she was dead.

Q Did you wait on her? A I did.

Q Who paid the doctor bills? A I paid them.

Q Did her son pay any part of it? A No, he didn't.

Q Was he present when she died? A Yes, sir, he was.

Q You have never married any more have you? A No, sir.

Q Well who did your wife continue to live with after this farm was rented? A She lived there about five or six months, and the parties that she rented to didn't treat her just right, and she left, and went to her son, and stayed till the year was up, and she got them off, and went back herself.

Q She boarded with them did she? A She boarded with them. In the contract they was to board her for a year and give her a certain part of the crop.

Arthur E. Greeninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur E. Greeninger

Subscribed and sworn to before me this 12th day of June, 1908.

J. H. Dexter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 2, 1902.

In the matter of the application of AMOS W. LORD, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

AMOS W. LORD, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Amos W. Lord.
- Q What is your age at this time? A Sixty nine.
- Q What is your post office? A Tulsa.
- Q Are you the same Amos W. Lord who made application for enrollment as an intermarried citizen of the Cherokee Nation on October 30, 1900? A I am.
- Q What was your wife's name; your Cherokee wife?
- A Kate Claywell.
- Q Is she living or dead? A She's dead.
- Q How long has she been dead? A She died in April, 1891.
- Q When were you and she married?
- A We were married in 1895, I think, in September.
- Q Fifty five, or about eighty five? A I mean she died in 1901.
- Q And you were married in 1895? A September, I think, 1895.
- Q Were you married to her under a Cherokee license?
- A I was.
- Q Did you file your license when you made application before?
- A I filed a certified copy of it.
- Q Now, when were you married prior to your marriage to your wife Kate?
- A I was.
- Q How many times? A Once.
- Q Was she a white woman? A Yes sir.
- Q Was she living or dead when you married Kate? A Dead.
- Q Was your wife Kate married prior to her marriage to you?
- A Twice.
- Q Were both her husbands living or dead when you married her?
- A Dead.
- Q Did you and your wife Kate live together as husband and wife from the time you married up to her death?
- A We did with the exception of about six months. Her son and I didn't agree very well, and he persuaded her to rent her place to another man, and she stayed on her place and that let us out, and I bought another place and went to it, and after that we fixed it all up and it was all satisfactory.
- Q And you went back to living together? A Yes sir.
- Q Were you living together as husband and wife when she died?
- A Yes sir. She had a farm and I had one; they was about six miles apart, we each one lived on our farms, but she would come and stay at my house two or three weeks at a time, and I would go down there and stay with her.
- Q It was not an actual separation then? A No, no.
- Q You still kept up the marital relations? A Yes sir.
- Q And did up to the time of her death? A Yes sir.
- Q Since her death in 1901, have you ever married?
- A No sir.
- Q She was the last woman you ever married? A Yes sir.
- Q And you were a single man and a widower on September 1, 1902?
- A I was, and am now.
- Q Did you have any children by her? A No sir.
- Q How long have you lived in the Cherokee Nation?
- A About fourteen years.

Q Have you lived in the Cherokee Nation all the time for the last fourteen years ? A Yes sir.

Q Living there now ? A Well, I have got my home there now, and I leased a place in the Osage country for a pasture; I am back and forth, but I keep a tent at the table and a bed at my home. That's a fact sir.

Q How long have you had a lease in the Osage country ? A I took my stock there, and so forth, and commenced to stay there the tenth day of last January.

Q January, 1902 ? A Yes sir.

Q You lived here all the time for the last fourteen years up until January, 1902 ? A Yes sir, lived here all the time, and my home is in the Cherokee Nation now.

Q You are only there temporarily with your stock; temporarily on the lease with your stock ? A Yes sir.

Q You don't own any land over there ? A Oh no.

Q You are not a member of the Osage tribe ? A Oh no.

Q Do you know how long your wife lived in the Cherokee Nation before she died ? A She was born here.

Q Did she live in the Cherokee Nation all her life ? A No sir, she lived in the Chickasaw Nation a while, and lost her residence and was re-admitted in 1883 by an act of the council.

Q She lived in the Cherokee Nation all the time from the time she was re-admitted up to the time of her death ? A All the time.

AMOS W. LORD, re-called, being examined by W. W. Hastings, attorney for the Cherokee Nation, testified as follows:

Q Your name is Amos W. Lord ? A It is.

Q When were you and your Cherokee wife married ? A I think it was in September, 1898.

Q Where were you married ? A Married at--it was named Turley.

Q How far is that from Bartlesville ? A It is ten miles north of Tulsa.

Q Had you ever been married before ? A I had.

Q Was your wife dead or alive ? A Dead.

Q Had your wife ever been married--this Cherokee wife--had she ever been married before ? A She had.

Q Was her husband dead at the time you married her ? A He was.

Q How long did you and she, after you married her in September, 1898, occupy the same house ? A A little over two years.

Q Continuously ? A Continuously.

Q Without any interruption ? A Without any interruption.

Q Then did you have a separation ? A Oh, it was her farm; she didn't want to move from there; it was her old home, and I went there and run her farm or part of it in 1898. The first year there was some two or three sections all fenced together that she and her second husband made it; him and one of the boys, that was a young boy at the time, and had it made, and rented it, and there was four or five houses on the outside of the fence.

Q Now just tell me--I want to know have you separated ? If you will just tell me, and not be like Danyman's little brook--just tell some of it and stop.

A I told her to take the old original place and give the past to her son; there was ninety five acres. I put in a crop that year and the cattle destroyed it; everybody turned cattle in. The next year I put a fence around the ninety five acres.

Q Now you have got the crop destroyed, and the fence around it; tell me about the separation?

A Her son and I didn't agree, and he persuaded her to rent that the next year, and her running that and renting it we kinder split up a little. She boarded for the rest of the place for six months with the parties she rented to, and we would meet occasionally. He never did have a fuss, we would meet occasionally and finally made it up. She would come to my place. After that I bought a place about six miles away, and she would come to my house and stay two or three weeks, and at harvest time she would come and stay all the time; and I would go to her place.

Q When did she die? A In March, 1901.

Q Where? A At her house.

Q On the lower farm? A On the lower farm.

Q Where were you? A I was there. I was there from the second day she was taken sick until she died.

Q What did she die of? A pneumonia.

Q How long was she sick? A About a week.

Q She sent me word the next day after she was taken sick by a man working her place, and I went down there and stayed there.

Q Did she have any children living with her when she died?

A No sir.

Q None at all? A There was one that made his home there.

Q Wasn't there at the time? A Yes sir he was there at the time; he was a single man.

Q You were making your home on the upper place?

A I was running the upper place and was renting that.

Q Did you keep your business separate?

A We kept the business separate.

Q Who paid the funeral expenses? A I paid her doctor's bills all her doctors bills from the time we separated until she was buried. She was sick one time before.

Q How about her funeral expenses? A Bunk and the other boy paid for the coffin, and I paid the doctor's bills and they paid for the coffin.

Q You haven't married again since her death? A No sir.

Q Now Mr. Lord, were your relations with your wife during your separation the same as husband and wife?

A With the exception of six months they were.

Q I want to know, when you went and visited her at her house after that separation, and after you went up to the upper place, I want to know whether you and she occupied the same room, after you went up there?

A We did.

Q Did she come up to your place and occupy the same bed and room with you?

A Yes sir.

Q And your relations to her were as husband and wife?

A They were. And we stayed at Claremore and occupied the same room twice.

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled case, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 11, 1902.

B. C. Jones
Notary Public

Creeting: You are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and ceremonies of marriage between Mr. A.W. Lord a citizen of the United States and Mrs. Kate Claywell, a citizen of the Cherokee Nation according to the laws and customs of the Cherokee Nation and you are required to return this license to me within thirty days from the celebration of such marriage with a certificate of same appended thereto and signed by you.

Given under my hand and seal on this the 29th day of October

1895.

Joe M. Lahay, Clerk

Cooweescoowee District C.N.

The parties were married by G.W. Goodman, a minister of the
on the 30th day of October 1895.

Witnessed by following persons: Wm. Sunday, G.S. Henson,
C. Collins, Mrs. Mary Moore, R.H. Brown, Bean Burgess, Mrs. M.E.
Gibbs, J.T. Toner, My Spybuck.

License returned within the time as required by law. Recorded this
Feby. 6th 1896.

Joe M. Lahay, Clerk.

Cooweescoowee District C.N.

By Fred McDaniel, Depy. Clerk.

Executive Office Cherokee Nation.

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of
the Cherokee Nation do hereby certify that the foregoing is a true
copy taken from the marriage record of Cooweescoowee District
Cherokee Nation now filed in this office by law and in my custody.
Given under my hand and seal of the Cherokee Nation this the
1st day of November 1900.

B. W. Alberty
Assistant Executive secretary Cherokee Nation.

Cherokee Nation

Cooweescoowee District.

To any person legally authorized to solemnize marriage,
Greeting: You are hereby authorized to join in the holy bonds
of matrimony and to celebrate the rites and ceremonies of
marriage between Mr. A. W. Lord a citizen of the United States
and Mrs. Kate Claywell, a citizen of the Cherokee Nation according to
the laws and customs of the Cherokee Nation and you are required
to return this license to me within thirty days from the celebra-
tion of such marriage, with a certificate of same appended thereto
and signed by you.

Given under my hand and seal on this the 29th day of October

1895.

Joe M. Lahay, Clerk

Cooweescoowee District C.N.

These parties were married by G. W. Goodman, a minister of the
Gospel on the 30th day of October 1895.

Petition signed by following persons: Wm. Sunday, G. S. Henson,
Annie Collins, Mrs. Mary Moore, R. H. Brown, Bean Burgess, Mrs. M. E.
Gibbs, J. T. Tyner, Ry Spybuck.

License returned within the time as required by law. Recorded this
Feby. 6th 1896.

Joe M. Lahay, Clerk,

Cooweescoowee District C.N.

By Fred McDaniel, Depty Clerk.

Executive Office Cherokee Nation.

Tahlequah I.T.

I, E. W. Alberty, assistant Executive secretary of
the Cherokee Nation do hereby certify that the foregoing is a true
copy taken from the marriage record of Cooweescoowee District
Cherokee Nation now filed in this office by law and in my custody.
Given under my hand and seal of the Cherokee Nation this the
1st day of November 1900.

E. W. Alberty

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Amos W. Lord for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

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D E C I S I O N.

--10:--

The record in this case shows that on October 30, 1900, Amos W. Lord appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 8, 1900, and at Muskogee, Indian Territory, on June 6, 1902, and on October 2, 1902.

The evidence shows that Amos W. Lord, a white man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on October 30, 1895, to Kate Claywell, a citizen by blood of the Cherokee Nation, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on November 13, 1883. The said Amos W. Lord is identified on the Cherokee Census Roll of 1896.

The evidence further shows that Amos W. Lord lived continuously with his wife for about three years after their marriage, and then a separation took place between them, but each made frequent visits to the other, and Amos W. Lord contributed substantially to the support of said wife up to the time of her death. Amos W. Lord has lived in the Cherokee Nation ever since 1895, the year of his marriage, and had not married since the death of his said wife, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Amos W. Lord should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Richardson

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

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DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED

OCT 30 1900

 ACTING CHAIRMAN.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayett D. Kindred	2328	William A. J. Trotter	3267
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Elin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Gbormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fahnie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeyes	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Usrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Mäher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1275
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landruin	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Pharris	D	3171	Stephen Haslett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengel	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

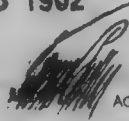
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

6 D746
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1902



ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BECKINRIIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18, 1902.

Mr. AMOS V. Lord,

Turley, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-746
Register.

Acting Chairman.

Commissioner in Charge.

Lawson, Indian Territory, May 22, 1904.

Mr. John W. Lord,

Tulley, Indian Territory.

Sir:

It is important in the further consideration of the matter of your application for enrollment as a citizen of the Cherokee Nation that you submit further evidence in this connection, before June 1, 1904, regarding the separation of yourself and your wife, Kate Lord.

Yours truly,

Isling Chairman

In answering refer to
Cherokee D. Van
Register.

Cherokee No.
D. 746

Muskegee, Indian Territory, January 10, 1907.

Amos W. Lord,

Tulsa, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Yours, Decm. _____

Commissioner.

Cherokee D 746

Muskogee, Indian Territory, March 14, 1907.

Amos W. Lord,

Tulsa, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, rejecting the application for your enrollment as a
citizen by intermarriage of the Cherokee Nation, was affirmed
by the Secretary of the Interior, January 26, 1907.

Respectfully,

HPI

Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LMC

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11/18/66

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7/13/65

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2746.

Mushoyee & J 3/8/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of Amos W. Ford

for enrollment as a citizen of the Cherokee Nation.

Cherokee No. 746

A. B. Spivey

Original testimony of 1/3/02
Memo. of Application of 1/30/02
Supplementary testimony of 1/31/02
Certified copy of marriage
license and certificate
Notice of final consideration, 3/6/02
Receipt for testimony.

Order closing testimony 3/8/02
M 3/20/2

See



Cher D 141

2- J.M.

COMMISSION TO THE
FIVE CIVILIZED TRIBES

OCT 30
1900

✓
✓
✓
E. G. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothberger

Subscribed and sworn to before me this 30th day of October, 1900.

Notary Public

Wm. L. Brown

Department of the Interior,
Commission to the Five Civilized Tribes.
Oklahoma, I. T., October 30, 1900.

In the matter of the application of Josephine Mulholland for the enrollment of Maggie L. Patrick as a Cherokee citizen; she being sworn and examined by Commissioner G. B. Breckinridge, testified as follows:

- Q Give me your full name. A Josephine Mulholland.
Q How old are you? A 38.
Q What is your postoffice? A Fort Smith, Ark.
Q What district is the home of this child? A Illinois Dist.
Q Your individual home is Fort Smith? A Yes sir.
Q Who is it you want to have enrolled, just this child? A Yes sir.
Q What is the name of the child? A Maggie L. Patrick.
Q How old is the child? A Eight.
Q She's not your child? A Yes sir, she's mine.
Q Now, what is the name of the father of the child? A Mike Patrick.
Q Is he a Cherokee by blood? A Yes sir.
Q Is he dead? A No sir.
Q When were you married to him? A In '91.
Q Have you a certificate of your marriage to him? A Yes sir; I haven't it with me; I didn't bring it.
Q What time in '91 were you married? A July 7th.
Q Has he lived in the Cherokee Nation all his life? A Yes sir.
Q He still lives here does he? A Yes sir.
Q Give me the name of his father? A I don't know about his father.
Q His mother? A She's alive.
Q What is her name? A We always called her Granny Patrick.
Q Are you living with Mr. Patrick now? A No sir.
Q You're separated from him? A Yes sir.
Q When did you and he separate? A In '93, I believe it was.
Q How old is Mr. Patrick? A 38.
1880 roll; page 569, #1480-A, Mikiel Patrick, Illinois Dist.
1896 roll; page 238, #3781, Mitchell (Michael) Patrick, Cooweescoowee.
(Note opposite his name:- This man has a daughter named Maggie, which the Cherokee claim is enrolled in Sequoyah district, but she is not found there, and should be put on it here. Signed illegible.)
Q Was your husband married previous to his marriage to you? A Yes sir.
Q Was his former wife dead when he married you? A Yes sir.
Q Do you know that? A She was dead I was told.
Q Are you certain of that? A I don't know, that's what they all say.
Q How long had she been dead when he married you? A I was a year in March he said; we were married in July.
Q Do you know people who were acquainted with her? A Yes sir.
Q And did they speak of her as being dead? A Yes sir.
Q Were you ever married before you married Mr. Patrick? A No sir.
Q He was your first husband? A Yes sir.

Commissioner-

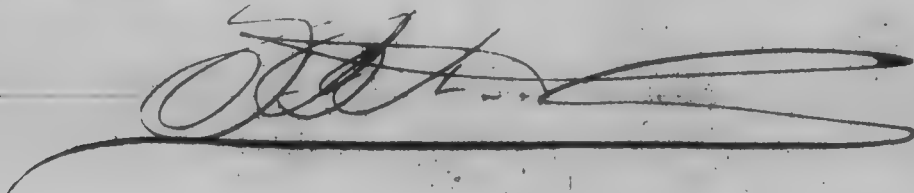
The applicant applies for the enrollment of her child. She states that she was married to the father of this child in July, 1891, but she has not with her at present the marriage certificate. She and her husband lived together some three years and separated. Her former husband is identified on the rolls of 1880 and 1896, and is said to have lived in the Cherokee Nation all his life. He is identified as a native Cherokee. The child is identified on the roll of 1898; is now eight years of age. The applicant is required to supply the Commission with an official copy of her marriage certificate. She states that her former husband's former wife was dead when they were married, and that the father of this child was her first husband. The child will be listed as a Cherokee by blood by blood to grant the citizen status of the marriage of her father to the father of the child.

Supl.-C.D.#747.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8th, 1902.

SUPPLEMENTAL in the matter of the enrollment of MAGGIE L. PATRICK as a citizen of the Cherokee Nation:

The applicant's mother, Josephine Mullholland, was notified by registered letter February 15, 1902, that her application for the enrollment of her child, Maggie L. Patrick, as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting said applicant. The applicant having this day, to-wit: the 8th day of March, 1902, been called three times and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

8/7/1

THE NATIONAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535
JAN 19 1970

Comments: The record in this case is not deemed complete and will be reported on the completion of final report on the substance as a record.

... do hereby certify that an authentic copy of the
the five civilized Tribes that I correctly recorded in
this day had in the above place and that
a true and complete transcript of the same is hereby

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 31, 1902.

SUPPLEMENTAL IN THE MATTER OF THE ENROLLMENT OF MAGGIE L.
PATRICK as a citizen of the Cherokee Nation:

The applicant's mother, Josephine Mullholland, was notified by registered letter February 15, 1902, that her application for the enrollment of her daughter, Maggie L. Patrick, as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 8th day of March, 1902. And on said date the case was called and there being no appearances, the same was deemed completed and ordered reported to the Commission for final decision based upon the evidence of record. The applicant was requested to furnish the Commission with evidence as to the marriage of the parents of the said Maggie L. Patrick, and on the 13th day of March, 1902, a letter was addressed to M. K. Patrick, the father of the applicant, in which he was requested to furnish the commission with evidence as to his marriage to Josephine Mullholland. The said M. K. Patrick this day, to-wit: the 31st day of March, 1902, appears in response to the Commission's letter of March 13, 1902, and offers in evidence a certified copy of the marriage license issued by William Nelson, Clerk of the United States Court for the Northern district, Indian Territory, on the 7th day of July, 1901, authorizing the marriage of Mike Patrick and Miss Josie Hawkins, and certificate showing that they were married by William Nelson, Assistant United States Commissioner, on the 7th day of July, 1891.

MIKE PATRICK, being duly sworn, testified as follows on part of applicant:
COMMISSION:

- Q What is your name? A Mike Patrick.
Q You are the father of Maggie L. Patrick, who is an applicant before the Commission? A Yes, sir.
Q Who is the mother of the applicant? A Josie Mullholland is her name now.
Q She is a white woman? A Yes, sir.
Q Were you ever married before you married her? A Yes, sir.
Q What was your first wife's name? A Delila Cookson.
Q Was she living when you married the applicant's mother, Josephine Mullholland? A No, sir.

Commission: The record in this case is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record
---oooOOOooo---

I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

1950

THE UNIVERSITY OF CHICAGO

SECRET

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

100-443886-100


[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

On 10th March 1964, the following was received from the
Director of the Central Intelligence Agency, Washington, D.C.
The following information was received from the Central Intelligence Agency, Washington, D.C.
The following information was received from the Central Intelligence Agency, Washington, D.C.

10. I am not a member of any political party, but I am a member of the United States Army.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it sets out the President's policy for the new year. The President states that he is pleased to see the Congress assembled, and that he is confident that the country is in a good position to meet the challenges of the future. He also mentions the recent election of Abraham Lincoln as President, and expresses his confidence in the new administration.



Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 18, 1902.

In the matter of the application of Josephine Mulholland for the enrollment of her child, Maggie L. Patrick, as a citizen by blood of the Cherokee Nation.

The applicant in this case was notified by registered letter May 31, 1902, to appear before the Commission on or before June 17, 1902, and submit further evidence as to the residence of the said Maggie L. Patrick. The applicant this day, to-wit: the 16th day of June, 1902, appears in person.

Josephine Mulholland, being sworn and examined, testified as follows:

By Commission:

Q What is your name? A Josephine Mulholland.

Q What is your postoffice address? A Fort Smith.

Q You are the mother of the applicant, Maggie L. Patrick? A Yes sir.

Q Where was Maggie L. Patrick born? A Braggs.

Q In the Cherokee Nation? A Yes sir.

Q Were you living there at that time? A Yes sir.

Q How long had you been living there prior to her birth? A Four years.

Q Had her father Mike Patrick always lived in the Cherokee Nation? A Yes sir.

Q How long have you been residing in Fort Smith, Arkansas? A Little over two years.

Q Where did you reside from the time of the birth of Maggie L. Patrick until October 30, 1900, when you made application for her enrollment at Claremore? A At Sallisaw.

Q In the Cherokee Nation? A Yes sir.

Q How long has Maggie L. Patrick lived at Fort Smith? A Just two years during school time.

Q Where has she been during her vacations? A With her father.

Q In the Cherokee Nation? A Yes sir.

Q Is her father living now? A Yes sir.

Q Does he continue to the support of the child? A No, he hasn't lately; he did before a while.

Q You have married since your separation from your child's father? A Yes, three years in September.

Q Since your marriage to your second husband, Mr. Mulholland, have you been making your home at Fort Smith? A Not at first, but we have for a little over two years.

Q Prior to that time you lived in the Cherokee Nation? A Yes sir, Sallisaw.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

[Signature]

Subscribed and sworn to before me this 16th day of June, 1902,

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.H.L.

In the matter of the application for the enrollment of
Maggie L. Patrick as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

—00—

The record in this case shows that on October 30, 1900, Josephine Mulholland appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of her minor child by a former husband, Maggie L. Patrick, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 31, 1902, and on June 16, 1902.

The evidence in this case shows that Maggie L. Patrick, eight years of age at the date of this application, is the child of Mike Patrick, a citizen by blood of the Cherokee Nation, and Josephine Mulholland, formerly Josephine Patrick, nee Hawkins, who were lawfully married on July 7, 1891. Maggie L. Patrick is identified on the Cherokee Strip Payment roll of 1894, and it appears from a note opposite the name of her father on the Cherokee Census roll of 1896 that her name should have been placed upon that roll but was left off through some mistake.

It further appears from the evidence that Maggie L. Patrick was born in the Cherokee Nation and lived there continuously until the year 1900 since which year she has been attending school at Fort Smith, Arkansas, spending her vacations with her father in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Maggie L. Patrick should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 22, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Noting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this

SEP 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 747.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

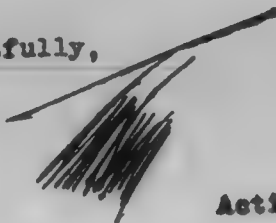
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Josephine Mulholland for the enrollment of her minor child, Maggie L. Patriok, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 37.

Maggie L. Patrick

A. Original testimony of 10/30/02

B. Memo. of Application 10/30/02

C. Notice of final consideration 3/8/02

D. Order closing testimony 3/8/02

E.

Transferred to Jack + 9789

Cher D 748

Q I haven't it with me. I had the evidence but I think I lost it.
Q You never had the Court in decree that the marriage ceremony
between you and your husband, Martin, was null and void? A Yes.
I took my documents to St. Louis.

Q Who did you get that document from? A Clerk of Kookab Iron.
It was a paper that they never were divorced.

Q Give me the name of your children. A James P. Nicholson.

Q How old is the child? A Six.

Q He was admitted at the same time you, husband and, was not
yes sir.

The name of James P. Nicholson appears in the certificate previously
referred to, and this is accepted as official evidence of
his admission at that time.

Q That child came into you in 1884? A Yes sir.

Q And you and he have lived here ever since? A Yes sir.

1888 roll: page 317, 2743, Silas P. Nicholson, Co. 2nd Cavalry.

1888 roll: page 334, 2743, James P. Nicholson, Co. 2nd Cavalry.

Q This child, James, is living now, 1884? A Yes sir.

Commissioner Brackinridge-

The applicant applies for the enrollment of herself and one
minor child. She is shown to have married her Cherokee husband in
the State of Texas in 1867. She states that they have lived to-
gether as husband and wife until he died. He is shown to have been
admitted to Cherokee citizenship in 1883; he was engaged in
moving his family to the Cherokee Nation during the 12 months
following his admission, when he died. His wife came to the Chero-
kee Nation in 1884 and has lived here ever since; she is identified
on the roll of 1888. She has married, or at least the marriage
ceremony was performed between her and one Patrick Martin in 1885;
she states that Martin was a man not to have been divorced from
his former wife and that after living with him a few weeks, she left
him and she declares that the marriage between her and Martin was
null and void. She presents no official evidence to that effect,
or is able at this time to present any official evidence of
the fact stated by her in regard to Martin's previous marriage. She
states that since her alleged marriage to Martin, she has never
been divorced, and has continued to live in the Cherokee Nation.
She was not so listed on a doubtful card as a Cherokee by adoption;
for the further consideration of her status arises from her having
been married to her first husband outside of the Cherokee Nation
and prior to his admission, and not remaining so after admission.
It is to consider the effect of her relations with Patrick Mar-
tin. The child, James P. Nicholson, is a son of a man who was admitted
into the Nation in 1883; he has lived in the Cherokee Nation ever
since 1884 is identified on the roll of 1888; is living now, and
will be listed for enrollment as a Cherokee by blood.

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 20, 1900.

In the matter of the application of Ediphor Nicholson for the enrollment of herself and one child as Cherokee citizens; she being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

- Q Give me your full name. A Ediphor Nicholson.
Q How old are you? A 48.
Q What is your postoffice? A Talala.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Do you want to enroll yourself only, or yourself and family?
A Myself and one child.
Q Are you a Cherokee by blood? A No sir.
Q When were you married? A I was married in '87. I have my marriage license with me.
Q You are on the roll of 1880? A No sir.
The applicant presents an official copy of the records of Bosque County, Texas, showing that she was lawfully married to her husband as stated by her on the 18th of May, 1887. This is filed herewith.
Q The husband to whom you were married then was E. L. Nicholson?
A Yes sir.
Q What is the "E" in his name for? A Richard.
Q Were you ever married before you married your husband? A No sir.
Q Was he married before he married you? A No sir.
Q Is he dead? A Yes sir.
Q How long has he been dead? A Been dead 16 years.
Q He was a Cherokee by blood, was he? A Yes sir.
The applicant presents an official copy of the records of the Commission on Citizenship of the Cherokee Nation showing that on September 12, 1883, Richard L. Nicholson, (spelled in the document Richard) was admitted to citizenship by the Cherokee Commission.
Q Is that the name of your husband? A Yes sir, Richard.
This is recognized as official evidence of his admission at the time stated.
Q Did he live in the Cherokee Nation from the time of his admission in 1883 until he died? A He died the next year.
Q He was admitted it seems about 17 years ago and he died 16 years ago? A Yes sir.
Q Where did he die? A In Texas.
Q Did he come to the Cherokee Nation after he was admitted in September, 1883? A Yes sir.
Q Did he live here? A He brought part of his stock here, and came back home and died.
Q Had he begun moving here? A Yes sir.
The certificate states that the admission was to the full and complete enjoyment of Cherokee rights in all respects as native born Cherokees.
Q When did you come to the Cherokee Nation? A In '84.
Q And you have lived here ever since have you? A Yes sir.
Q Have you ever married since your husband's death? A I married once; it was an illegal marriage. The man I married had a wife and children.
Q When was it you married? A In '85.
Q To whom did you marry? A One Patrick Martin.
Q How long did you live with him? A About six weeks.
Q You found he had a wife and children? A Yes sir.
Q Did you ever marry after that? A No sir.
Q Were you ever married to Patrick Martin? A Well, I was married by a preacher, but never got any marriage certificate.
Q You intended it as a lawful and proper marriage? A Yes sir.
Q Did you ever get a divorce from him? A No, I never had any certificate and he run away.
Q You never applied for a divorce? A No, I got a written statement from the clerk that he never got a divorce.
Q Have you any legal evidence of the fact that your husband was ever divorced from his former wife?

8-B.N.

A I haven't it with me. I had the evidence but I think I lost it.
Q You never had my Court to decree that the marriage ceremony between you and your husband, Martin, was null and void? A Yes, I took my document to Texas.

Q Who did you get that document from? A Clerk of Keokuk Iowa. It was a roof that they never were divorced.

Q Give me the name of your children. A James P. Nicholson.

Q How old is the child? A 18.

Q He was admitted at the same time the husband was, was he? A Yes sir.

The name of James P. Nicholson appears in the certificate previously referred to, and this is accepted as official evidence of his admission at that time.

Q That child came with you in 1884? A Yes sir.

Q And you and he have lived here ever since? A Yes sir
1896 roll: page 317, #743, Middelpher Nicholson, Co weasooowee.

1896 roll: page 334, #3543, James P. Nicholson, Cooweees oowee.

Q This child, James, is living now, is he? A Yes sir.

Commissioner Breckinridge-

The applicant applies for the enrollment of herself and one minor child. She is shown to have married her Cherokee husband in the State of Texas in 1867. She states that they have lived together as husband and wife until he died. He is shown to have been so-admitted to Cherokee citizenship in 1883; he was engaged in moving his family to the Cherokee Nation during the 18 months following his admission, when he died. His wife came to the Cherokee Nation in 1884 and has lived here ever since; she is identified on the roll of 1896. She has married, or at least the marriage ceremony was performed between her and one Patrick Martin in 1886; she states that Martin was a man not to have been divorced from his former wife and that after living with him a few weeks, she left him and she declares that the marriage between her and Martin was null and void. She presents no official evidence to that effect, or is she able at this time to present any official evidence of the fact stated by her in regard to Martin's previous marriage. She states that since her alleged marriage to Martin, she has never been remarried, and has continued to live in the Cherokee Nation. She will not be listed on a doubtful card as a Cherokee by adoption for the further consideration of her status arising from her having been married to her first husband outside of the Cherokee Nation and in or to his admission, and not remarried to him afterwards and also to consider the effect of her relations with Patrick Martin. The child, James P. Nicholson, is a son to have been admitted with his father in '83; he has lived in the Cherokee Nation ever since 1884; is identified on the roll of 1896; is living now, and will be listed for enrollment as a Cherokee by blood.

H.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

H.C. Rothenberger

Subscribed and sworn to before me this 30th day of October, 1900.


[Signature]

Notary Public.

13, 1948

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 30 1900

 ACTING CHAIRMAN

13

1948

CHEROKEES BY BLOOD AND ADOPTION.

Date

OCT 30 1900

1900.

Name

Talula S. T.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Biddipher Nickerson ne. Foulger
COOWEESCOOWEE.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Filed OCT 30 1900

Certificate

Filed OCT 30 1900

Names of Children:

1 James P. Nickerson
Dist. COOWEESCOOWEE. Year 1894 Page 224 No. 2093 Age 18

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

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No.

Age

1 On 1896 Roll as Biddipher Nickerson

748
10
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 24 1900

ACTING CHAIRMAN

R. L. Nicholson " "

To Mr. S. C.

Bidiphar Foulger 11.11

Be it remembered that on this 11th. day of May 1867, the following marriage license was issued to wit:-

TEXAS, TOWNSHIP: BOSQUE COUNTY, SS.

Know ye, that any person legally authorized to celebrate the rites of matrimony, is hereby licensed to join in marriage as husband and wife R.J. Nicholson and Bidipher Foulger, and for so doing this shall be his sufficient authority.

In testimony whereof, I J. H. Labray, Clerk of the Bosque County Court, ~~hereunto subscribe my name, and affix the seal of said~~
Court this 11th. day of May 1867.

J. H. Mabray, Clk.

Be it further remembered, that on this 12th. day of May 1867
the following certificate was filed in my office, to-wit:-

TEXAS, TO - WIT: BCSQUE COUNTY.

This certifies that I joined in marriage as husband and wife
R.L. Nicholson and Bidipher Foulger on the 12th. day of May 1867.

A.S.Thomas, J.P.

The State of Texas "11

County of Bosque " " 1, J. I. Mingus, Clerk of the County Court
in and for Bosque County, Texas, do hereby certify that the above
and foregoing is a true and correct copy of the marriage license
to Al. Nicholson and Bidiphor Foulger, of date the 11th day of May
1967 and certificate of officer performing the marriage, as the
same appears of record on page 98 Vol. B one of the marriage
records of Bosque County, Texas.

Given under my hand and seal of office, at Meridian, Texas
this the 11th. day of October A.D.1900.

Clerk County Court, Bosque County, Texas.

By J. M. Hall Deputy.

13478

APR 18 1901
F. F. B. D.
COMMISSION TO THE CHIEF OF THE
DEPARTMENT OF THE INTERIOR

~~CONFIDENTIAL~~
Selling Office

RECEIVED AT THE DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C., APRIL 18, 1901.
SIR: I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the application for the enrollment of Harriet Harrison, a citizen of the Cherokee Nation.

Harriet C. Harrison, being a woman, was excluded from the Cherokee Nation, until she is a citizen.

What is your name? A. Edward B. Harrison.

What is your age? A. 34.

What is your present office? A. Chief.

Are you a citizen of the Cherokee Nation? A. Yes, sir.

Do you know William Harrison? A. Yes, sir.

What relation is he to you? A. Mother.

Now, is there any statement you desire to make in regard to her application for enrollment as a citizen of the Cherokee Nation by intermarriage? A. It is in regard to the late death of her daughter, Patricia Martin's daughter, letter from Kansas, Iowa, begging him to return and live with his wife, Mrs. [redacted], and telling him that his mother wanted him to come back and they would get along all right.

Did you know Patricia Martin? A. Yes, sir.

Did she claim to be a citizen of the Cherokee Nation, a United States citizen, or was she still a freed person?

Was she ever married? A. In the Cherokee Nation, on the Indian River.

What other statement is that he was a United States citizen?

What statement do you desire to make? A. I have seen a statement from the [redacted] of Pechuk, Iowa, last county, stating that he had a wife and daughter and never having married from her. There was no record of record, it was a story. His daughter and his wife both made that statement.

Very respectfully,
[Signature]

W. F. B. D., [redacted] lived in the Cherokee prior to your [redacted] and after his death [redacted] in the Cherokee.

S U P P L E M E N T A L T E S T I M O N Y .

D. #748.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 18th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of BIDIPHER NICHOLSON as a citizen of the Cherokee Nation.

EDWARD D. NICHOLSON, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Edward D. Nicholson.

Q What is your age? A 31.

Q What is your post office? A Chelsea.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Bidipher Nicholson? A Yes, sir.

Q What relation is she to you? A Mother.

Q Now, is there any statement you desire to make in regard to her application for enrollment as a citizen of the Cherokee Nation by intermarriage? A It is in regard to the letter I seen from her daughter, Patrick Martin's daughter, letter from Keokuk, Iowa, begging him to return and live with his wife, her mother, and telling him that her mother asked him to come back and they could get along all right.

Q Did you know Patrick Martin? A Yes, sir.

Q Did he claim to be a citizen of the Cherokee Nation or United States? A United States citizens, he was a full blood Irishman.

Q Where were they married? A In the Cherokee Nation, on the Verdigris River.

Q Your understanding is that he was a United States citizen?

A Yes, sir.

Q Any other statement you desire to make? A I also seen a statement from the Clerk of Keokuk, Iowa, Lee County, stating that he had a living wife there and daughter and never had been divorced from her, there was no divorce on record; it was a sworn affidavit, his daughter and his wife both made that statement.

BY J. L. BAUGH, Cherokee Representative.

Q Mr. Martin, did your mother live in the Cherokee prior to your father's death and after his death; ever lived in the Cherokee Nation, Mr. Nicholson? A She moved here after his death; he had some stuff here, he had a car load of stock.

BY COMMISSIONER NEEDLES:

Q Your mother never moved here until after the death of her husband?


A No, sir.

Q Where did he die? A In Texas, Boston County.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of March, 1901



Commissioner.

Q Now was your husband Nicholson ever married before he married you? A No sir.

Q Were you ever married before you married him? A No sir.

Q That Nicholson was the Cherokee? A Yes sir.

Q He was admitted to citizenship? A Yes sir.

Q You lived with him up until his death? A Yes sir.

Q And then married Patrick Martin? A Yes sir.

Q Was Martin ever married before he married you? A Yes sir, he was a married man at that time, but I didn't know it.

BY MR. HASTINGS:

Q How long did you live with him? A About 6 weeks, or maybe 2 months, before I found it out.

BY COMMISSION:

Q How long after Nicholson's death did you marry Martin? A About 18 or 20 months.

Q As soon as you found out he had a living with you left him? A Yes sir, he was then on business in Texas and I found it out while he was gone and I left him.

Q And you have not lived with him since? A No sir.

Q You were never married to Nicholson after his admission to citizenship, you didn't marry him twice? A No I didn't marry him twice, it was not the law then was it? We were married according to law in Texas.

BY MR. HASTINGS:

Q Did you ever see this man Martin's wife and children? A No sir, I never saw them but I have got letters from them; I have one in my pocket book now; and I have got affidavit from him that he was never divorced and I made that over here at Tahlequah at the time they enrolled me in 1896, and they enrolled me there as a citizen.

Q Did you and Martin have any falling out? A No, I just wouldn't live with him, but then he ran off.

BY COMMISSION:

Q Where is he now? A I don't know; I never have seen him since; when he found out I knew of it he ran away; he was in Texas at the time; he went down there to do business for me and I got a letter from his wife for him, and his daughter, come in his name and I opened it is how come me to find it out; I was going to get after him and he pulled out.

Q Any other statement you desire to make, Mrs. Nicholson? A Unless I would have to make proof of this fact again now that he was a married man.

Q Do you submit the case now to the Commission for consideration?

A Yes sir, I submit it.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for decision, based upon the evidence now of record.

M.D.Green, hereby certifies that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes.

M.D. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Bidipher Nicholson for enrollment as a Cherokee citizen;

Appearances:

Applicant in person;

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee, Indian Territory for final consideration on the 8th day of March, 1902; the applicant this day, to-wit: March 5, 1902, appears in person and requests that her case be taken up for final consideration, which request will be complied with, the representative of the Cherokee Nation present agreeing to the same.

BIDIPHER NICHOLSON, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A Bidipher Nicholson.

Q Where do you live, Mrs. Nicholson? A I live near Talala, in Cherokee Nation.

Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.

Q Is there any statement you desire to make relative to your enrollment? A Well I don't know; I don't understand that.

Q Now if there is any statement you desire to make you can go ahead and make it? I will state for your information that the evidence of marriage has already been filed, and it is merely a question of law now for the Commission to decide on; you were married to your husband prior to his admission to citizenship and the facts in the case seem to have been fully brought out; but if you desire to make any statement you will be given the privilege of doing so? A Well I will just make the statement that you don't seem to quite understand; I was re-married after I came to the Cherokee Nation.

BY MR. HASTINGS:

Q Have you got that marriage certificate? A No sir; that is the question I thought that was all there was against me here; that it was not a legal marriage; the man had a wife and children, the man that I married after I married Nicholson; I never thought it was any question about Nicholson, at all; that is the way I understand it; the papers are here, and several statements; you are mistaken I think.

BY COMMISSION:

Q It appears that you were married prior to your marriage to your present husband? A Yes sir.

Q What was your first husband's name? A Richard E. Nicholson.

Q Was that your first husband? A Yes sir, I didn't know that was down there against us.

Q You claim your right to enrollment by reason of your marriage to your husband, Nicholson? A Yes sir, because I had remarried this other man, but it was not legal, he had a wife and was never divorced.

Q How long did you live with Nicholson? A 18 years; he came here and was readmitted as a citizen.

Q After his death did you marry another man? A Yes sir.

Q What was his name? A Martin.

Q Was he a Cherokee or a white man? A He was a white man. And that is the reason I couldn't understand you.

Q Now was your husband Nicholson ever married before he married you? A No sir.

Q Were you ever married before you married him? A No sir.

Q That Nicholson was the Cherokee? A Yes sir.

Q He was admitted to citizenship? A Yes sir.

Q You live d with him up until his death? A Yes sir.

Q And then married Patrick Martin? A Yes sir.

Q Was Martin ever married before he married you? A Yes sir, he was a married man at that time, but I didn't know it.

BY MR. HASTINGS:

Q How long did you live with him? A About 6 weeks, or maybe 2 months, before I found it out.

BY COMMISSION:

Q How long after Nicholson's death did you marry Martin? A About 18 or 20 months.

Q As soon as you found out he had a living with you left him? A Yes sir, he was then on business in Texas and I found it out while he was gone and I left him.

Q And you have not lived with him since? A No sir.

Q You were never married to Nicholson after his admission to citizenship, you didn't marry him twice? A No I didn't marry him twice, it was not the law then was it? We were married according to law in Texas.

BY MR. HASTINGS:

Q Did you ever see this man Martin's wife and children? A No sir, I never saw them but I have got letters from them; I have one in my pocket book now; and then I got affidavit from him that he was never divorced and I made that over here at Tahlequah at the time they enrolled me in 1896, and they enrolled me there as a citizen. Q Did you and Martin have any falling out? A No, I just wouldn't live with him, but then he ran off.

BY COMMISSION:

Q Where is he now? A I don't know; I never have seen him since; when he found out I knew of it he ran away; he was in Texas at the time; he went down there to do business for me and I got a letter from his wife for him, and his daughter, come in his name and I opened it is how come me to find it out; I was going to get after him and he pulled out.

Q Any other statement you desire to make, Mrs. Nicholson? A Unless I would have to make proof of this fact again now that he was a married man.

Q Do you submit the case n ew to the Commission for consideration? A Yes sir, I submit it.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for decision, based upon the evidence now of record.

M.D.Green, hereby certifies that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of BIDIPHER NICHOLSON, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

BIDIPHER NICHOLSON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Bidiphar Nicholson.
Q What is your age at this time ? A I am fifty.
Q What is your post office ? A Long.
Q Are you an applicant before the Commission for enrollment as an intermarried citizen ? A Yes sir.
Q What is your husband's name ? A Richard Lee Nicholson.
Q Is he living or dead ? A He is dead.
Q How long has he been dead ? A Nineteen years.
Q When were you and he married ? A I was married in 1867.
Q Where ? A In Bastick County, Texas.
Q How long after you were married before you came to the Cherokee Nation ? A I came here in 1884.
Q Did your husband die before you came here ?
A Yes sir, he died before I moved.
Q Had he been admitted to citizenship before you moved here ?
A Yes sir.
Q Was he admitted while living in Texas ? A Yes sir.
Q How long before you came had it been before he was admitted ?
A He was admitted in 1883.
Q You came in 1884 ? A Yes sir.
Q Now, did you and him have any children ? A Yes sir.
Q Were they admitted with him at the same time ? A Yes sir.
Q Did you and he live together from the time of your marriage up till his death ? A Yes sir.
Q Have you married since his death ? A Yes sir.
Q What is your name now ? A The marriage was not legal, the man had a wife, and they got proof to that effect once before.
Q Have you submitted that proof to the Commission ?
A Yes sir. His name was Martin.
Q And have you married any other besides Martin ?
A No sir.
Q So you claim you are still the widow of Nicholson ?
A Yes sir.
Q And a single woman on the first day of September, 1902 ?
A Yes sir.
Q Have you lived in the Cherokee Nation all the time since you came here in 1884 ? A Yes sir, all the time.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 17, 1902.

E. C. Bagwell
W. B. Jones
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of
Bidipher Nicholson, as a citizen by intermarriage of the
Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Claremore,
Indian Territory, October 30, 1900, application was received by
the Commission to the Five Civilized Tribes for the enrollment of
Bidipher Nicholson as a citizen by intermarriage of the Cherokee
Nation. Further proceedings were had in the matter of said
application at Muskogee, Indian Territory March 18, 1901, March 5, 1902
and October 15, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant
herein, Bidipher Nicholson, is a white woman and neither claims
nor possesses any right to enrollment as a citizen of the Cherokee
Nation other than such right as she may have acquired by virtue
of her marriage to one Richard Lee Nicholson in Bosque County,
Texas, on May 12, 1867; that the said Richard Lee Nicholson was
not, at the time of said marriage, a recognized citizen by blood
of the Cherokee Nation and did not become a citizen of said Nation
until his admission to citizenship therein by the duly consti-
tuted authorities of said Nation on September 13, 1883. Said
applicant did not therefore, marry in accordance with Cherokee
law, a citizen by blood of the Cherokee Nation prior to November 1,
1875. Neither the applicant, Bidipher Nicholson, nor her husband,
the said Richard Lee Nicholson, can be identified on the Cherokee
authenticated tribal roll of 1880:

IT IS THEREFORE ORDERED AND ADJUDGED: That in accord-
ance with the decision of the Supreme Court of the United States
dated November 5, 1906, in the cases of Daniel Red Bird, et al. vs.
the United States, Nos. 125, 126, 127 and 128, the said applicant
Bidipher Nicholson, is not entitled, under the provisions of section
twenty-one of the Act of Congress approved June 25, 1898 (30 Stats.
495) to enrollment as a citizen by intermarriage of the Cherokee
Nation, and her application for enrollment as such is accordingly
denied.

(SIGNED) *Tams Bixby.*
Commissioner

Dated at Muskogee, Indian Territory

this FEB 10 1907

OFFICE OF COMMISSION ON CITIZENSHIP.

TAHLEQUAH, CHEROKEE NATION. September 12, 1883.

Richard L. Nicholson, Ed. Vann Ross Nicholson, Richard H. H. Nicholson, No. 180 Tom Kemp Nicholson James Parshall Nicholson Sarah Ellen Nicholson, ----- Ora Cherokee Nicholson	}	For himself. (Eva May Nicholson)
---	---	--------------------------------------

vs.

The Cherokee Nation.) Petition filed September 12, 1883.
by

Case submitted claimants Sept 12, 1883.

Case submitted by solicitor Sept. 13, 1883.

And now on this the 13th day of September, A. D. 1883, this case coming on for final hearing and all the evidence in the case produced on both sides being carefully read and duly considered by the Commission on Citizenship, it was adjudged by said Commission, that the above named claimants, Richard L. Nicholson, Ed. Vann Nicholson, Richard H. H. Nicholson, Tom Kemp Nicholson, James Parshall Nicholson, Sarah Ellen Nicholson, Eva May Nicholson, Ora Cherokee Nicholson, are Cherokees by blood, and that they are justly entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation and that they should be, and they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Thos. Teece, Pres. of Com.
Alex. Wolfe, Commissioners.
T. F. Thompson,)

D. W. C. Duncan,
Clerk of Com.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the record on file in this office.

Ella Mieling

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18,

1902.

Mrs. Bidipher Nicholson,

Talala, Indian Territory,

Madam:-

You are hereby notified that the application of

yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eighth day of march, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

CherokeeD-748
Register.

Yours truly,

Acting Chairman.

XXXXXXXXXXXXX

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

D. 748

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Bidipher Nicholson as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-95

RA

Land
18378-1907

COPY

copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February, 1907, enclosing the record in the matter of the application for the enrollment of Edipher Nicholson as a citizen by inter-marriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, adverse to the applicant.

The record shows that the applicant is a white woman and has no rights to enrollment with the Cherokee Nation, other than such as she may have acquired by her marriage to one Richard Lee Nicholson, in Bosque County, Texas, May 12, 1867. Nicholson was not at that time a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship on September 18, 1883. The applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875, and the decision of the Commissioner rejecting her application is in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner

EWE-D

D.C.12637

(COPY)

J. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

O.K.

I. T. D.

March 2, 1907.

5846, 5982, 5984, 5986,
5992, 6004, 6006, 6010,
6014, 6016, 6018, 6024,
6028, 6030, 6032, 6034,
6072, 6098, 6104-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letter ~~s~~ submitting your reports and recommending
that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
Elizabeth Davis,	February 14, 1907.
James C. Williamson,	February 19, 1907.
Ruth A. Davis,	February 19, 1907.
Bidipher Nicholson,	February 19, 1907.
Robert A. Abney,	February 19, 1907.
Makepeace Miller,	February 19, 1907.
Margaret J. Emerson,	February 19, 1907.
Sarah F. Miller,	February 14, 1907.
William Clifford Dawson,	February 21, 1907.
Lorene and Preston Davis Smith,	February 23, 1907.
Rosa Haynes (Freedman),	February 17, 1907.
Willie Fletcher Hurst,	February 23, 1907.
John W. Chandler,	February 21, 1907.
Laura Coats,	February 15, 1907.
Charlotte E. Bonds,	February 18, 1907.
Thomas Jacob et al.,	February 21, 1907.
Elizabeth and Charles Colbert (Freedmen),	February 17, 1907.
Frank E. Brandon,	February 18, 1907.
Roxie Hill (Freedman),	February 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.
to Ind. Of.

A F Mc.

3-2-07

COPY

Muskogee, Indian Territory, March 11, 1907.

Bidipher Nicholson,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. E-52
JMH

SIGNED *Tams Bix*
Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-748

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Bidipher Nicholson as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

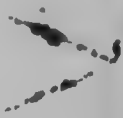
Respectfully,

Encl. H-81
JMH


Commissioner.

Ready for service

(1)



Cher D 749

Cher D 749

Department of the Interior.
Commission to the Five Civilized Tribes.
Oklahoma, I. T., October 30, 1900.

In the matter of the application of William Childers for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:

- Q Give me your full name? A William Childers.
Q How old are you? A Something like forty.
Q What is your postoffice? A McKay.
Q Do you live in Sequoyah district? A No sir, in Illinois.
Q Who is it you want to enroll; yourself and family? A Myself and family.
Q Have you a wife? A Yes sir.
Q How many children have you? A Five.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She's a white woman.
Q How long have you lived in the Cherokee Nation? A A All my life.
Q Give me the name of your father. A Sam Childers.
Q Is he dead? A Yes sir.
Q Give me the name of your mother. A Sarah.
Q Is she dead? A Yes sir.
Q Give me the name of your wife. A Agnes M.
Q How old is she? A She's about 35.
Q What was her name when you married her? A Walker.
Q She was married before.
Q Was that her maiden name? A No sir.
Q What was her name before it was Walker? A Miles.
Q Was that her maiden name? A Yes sir.
Q She was married once before she married you? A Yes sir.
Q Was her former husband dead when she married you? A No sir.
Q Was she divorced from him? A Yes sir.
Q Have you a copy of the decree of divorce? A No sir; I have a marriage certificate here.
Q You have no copy of the decree of divorce between your wife and her husband, Walker? A No sir.
Q When was it you married your wife? A In '06.
Q You and she lived together ever since you married her? A Yes sir.
The applicant produced a certificate showing that he was married to his wife on July 26, 1896 by Joseph S. Sargent, Supreme Judge of the Cherokee Nation. This is filed herewith.
Q You were married down in the Cherokee Nation? A Yes sir.
Q You didn't live down there? A No sir, that was right on the line of the Cherokee and Choctaw Nation.
Q Give me the names of your children. A William S.
Q How old is that child? A He is 15 years old.
Q Next child? A Sandy S.
Q How old is that child? A 8 years old.
Q Next child? A Sarah S.
Q How old is that child? A 7 years old.
Q Name of the next child? A Sam F.
Q How old is that child? A 5 years old.
Q Next child? A Sarah V.
Q How old is that child? A One year old.
Q Have you certificates of birth? A Yes sir, of the two youngest children.
Q Were you ever married except to this wife? A No sir.
Q Where were you twenty years ago; in Illinois? A I was first in Illinois and then in Sequoyah.
Q Were your father and mother dead in 1880? A Yes sir.
Q Who did you live with twenty years ago? A I staid part of the time with old uncle John and part of the time with my brother in Illinois.
Q You remember of enrolling in 1880, do you? A Yes sir.

Q Did you ever apply to the Census Commission for admission to citizenship? A No sir.
 1880 roll; page 688, 1880, John Childers, Jr., Maquoyah Dist.
 Q Is that your brother? A Yes sir.
 Q Why did they call him John Childers, Jr.? A We have an uncle named John Childers.
 1884 roll; page 781, 1884, Sophie Childers, Illinois Dist.
 1884 roll; page 781, 1884, Tandy S. "
 1884 roll; page 781, 1884, Willie S. "
 1884 roll; page 781, 1884, William "
 Q Can you explain why your name is not on the 1880 or 1884 roll; have you any idea? A I don't know, I enrolled.
 Q Did you go out of the Cherokee Nation and live a my time? A Only for a short time; I lived on the line for a short time for the purpose of schooling my children.
 Q Where did you live? A Tanaha.
 Q Where is that, in Kansas? A No sir, in the Cherokee Nation; on the line of the Cherokee and Choctaw.
 Q Is your wife a Choctaw? A She is a white woman; she married a Choctaw.
 Q You live across the river? A Part of the time; my home has always been in the Cherokee Nation.
 Q Are your interests back here in the Cherokee Nation? A Yes sir.
 Q How long did you live across there? A Part of the time there and part of the time here.
 Q Did you ever apply to the Cherokee Council or Commission for re-admission when you quit living there? A No sir; didn't need to this has always been my home.
 Q Where was your property all the time? A Right in the Cherokee Nation.
 Q What district? A In this district now.
 Q Back in 1880 and down to this time? A In Illinois district.
 Q Your property in Illinois district? A Yes sir; had a farm there and sold it and bought a farm in this district.
 Q Owned a farm in the Cherokee Nation in 1880? A Yes sir, in Illinois district.

Representative J. C. Starr, of the Cherokee Nation-

Q When you went out into the Choctaw Nation to school your children did you take your effects with you? A No sir; only temporarily for the purpose of sending the children to school.
 Commissioner-
 Q You took your household goods? A I took up them, but I had a farm here and stock, and always counted this my home.
 Q Was your wife's first husband dead when you married her? A No sir.
 Q These children all alive and living with you are they? A Yes sir.
 Commissioner-
 The applicant supplies for the enrollment of himself, his wife, and five children. He states that he was born in the Cherokee Nation, is a Cherokee by blood, and has lived in the Cherokee Nation all his life. He is not identified on the rolls of 1880 or 1884, but is identified on the roll of 1894. He lived for some time in the Choctaw Nation for the purpose of schooling his children he states. It is necessary for him to further identify himself with reference to the roll of 1880 and to establish in a satisfactory manner his residence in the Cherokee Nation. He will be present to listed as a Cherokee by blood on a doubtful card. He is shown to have married his wife in 1880; she was previously married, and the applicant is not able to produce a copy of the decree of divorce at this time; nor was his wife's first husband dead at the time of his marriage to her. He is not identified on the roll of 1880; he was never previously married, but to establish his marriage to this wife it is necessary for him to supply the Commission with a copy of the decree of divorce. So on this account, as well as because the reason applicable in his own case, the applicant's name will now be enrolled on a doubtful card as a Cherokee by blood.

Q If the first child named in the testimony, the first

3- W.C.

three are in existence on the census list. They are all living at this time. They are not identified on the roll of 1890. For the reason specified in this case of both the father and the mother, these children will now be listed as orphans by blood as a doubtful case and when established and filed on the list of the 1890 census, Ben V. and Sarah V., they also will be listed as orphans by blood as a doubtful case.

J. B. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the case and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 11th day of October, 1900.

E. D. Rothberger

[Signature]

[Signature]

Nov - 15- 1885

Tuesday Morning 9 oclock, Court met pursuant to adjournment. Jury called, Jury present, Minutes of previous day read and approved, Court open and ready for business.

Case No. 115.

Tandy Walker
vs

Agnes Walker Petition for divorce

This cause coming on to be finally hear and proofs being sufficient it is therefore considered by the Court that the bonds of matrimony is hereby declared and dissolved and forever made null and void, and it is furthered ordered by the that said Plaintiff Tandy Walker be appointed Guardian for his children.

Court adjourned until tomorrow Morning at 9 oclock.

Attest

H. J. Kayser, Clerk. (S E A L)

Approved

S. E. Lewis
Presiding Judge.

I, James Culberson, Clerk in and for the 1st Judicial District Choctaw Nation, duly commissioner and acting do hereby certify that the above and foregoing is a full, true and correct copy of the original proceedings in Case No 115, Tandy Walker vs Agnes Walker for divorce as they appear at pages 185, 187 and 189 of Minute Book of said 1st Judicial District, Choctaw Nation.

In testimony whereof, Witness my hand and seal as such clerk given this 11th day of December 1900.

(S E A L)

James Culberson
Circuit Clerk, 1st Dist C.N.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the certified copy on file in this office.

ella Mieling

Cherokee B 740

MARRIAGE CERTIFICATE

CHOCOTAW NATION) BARBOUR COUNTY,

This certifies that William Childers of Cherokee Nation
and Anna Walker of Choctaw Nation were at Pleasant Bluff in the
said Barbour County by us joined together as

SOLE MATRIMONY

on the 15th day of July A. D. 1886.

Joseph Garland
Supreme Judge of the Choctaw
Nation.

I, the undersigned, as stenographer to the Commission to
the Five Civilized Tribes, do certify that the above is a true and
correct copy of the original certificate on file in this office.

Edna Nicolson

IN RE

Application for Enrollment of

INFANT CHILD

Bern - Farmer Childers

as a citizen of the

Cherokee

Nation.

Approved

Oct 30 1900.

Wm. H. ...
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 30 1900

[Signature]
ACTING CHAIRMAN

D. 749.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Ben - Farmer Childers, born on the 8 day of Novem, 1896.
(Here insert name of child.)
Name of Father: William Childers, a citizen of the Cherokee Nation.
Name of Mother: Agnes Nora Childers, a citizen of the (White) Nation.
Post-office, Tamaha S. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, Agnes Nora Childers, on oath state that I am 39
years of age and a citizen, by Intermarriage, of the Cherokee Nation;
that I am the lawful wife of William Childers, who is a citizen, by
Blood, of the Cherokee Nation; that a Male child was
(male or female)
born to me on the 8 day of November 1896; that said child has been
named Ben - Farmer Childers, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 23 day of August 1900.

Wm Davidson

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, J. L. Boyer a Physician, on oath state that I
attended on Mrs Agnes Nora Childers, wife of William Childers,
on the 8 day of November 1896; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Ben - Farmer Childers.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 23 day of August 1900.

Wm Davidson

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Sarah Vivian Childers

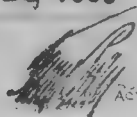
as a citizen of the

Cherokee

Nation.

Approved

Oct 30 1900

M. H. ...
CommissionerDEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.FILED
OCT 34 1900

ACTING CHAIRMAN

D. 749

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Sarah Vivian Childers born on the 18 day of January, 1899
(Here insert name of child.)
Name of Father: Opie Childers, a citizen of the Cherokee Nation.
Name of Mother: Agnes Nora Childers, a citizen of the Intermarriage Nation.
Post-office, Tulakee I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Central District.

I, Agnes Nora Childers, on oath state that I am 39
years of age and a citizen, by Intermarriage, of the Cherokee Nation;
that I am the lawful wife of William Childers, who is a citizen, by
Blood, of the Cherokee Nation; that a Female child was
(male or female)
born to me on the 18 day of January, 1899; that said child has been
named Sarah Vivian Childers, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Agnes Nora Childers

Subscribed and sworn to before me this 23 day of August, 1900.

Wm B Davidson

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Central District.

I, J. C. Boser a Physician, on oath state that I
attended on Mrs. Agnes Nora Childers, wife of William Childers,
on the 18 day of January, 1899; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Sarah Vivian Childers

WITNESSES TO MARK:

(Must be Two
Witnesses.)

J. C. Boser M.D.

Subscribed and sworn to before me this 23 day of August, 1900.

Wm B Davidson

NOTARY PUBLIC.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 28, 1901.

In the matter of the application of William Childers et al.
for enrollment as Cherokee citizens.

Supplemental testimony.

Ed Bean, being sworn and examined by Commissioner T. B. Beedles, testified as follows:

Q What is your name? A Ed Bean.

Q What is your age? A 42.

Q What is your postoffice address? A Okemore, I.T.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By blood? A Yes sir.

Q Recognized as such by the Cherokee authorities? A Yes sir.

Examination by J. F. Pauls, applicant's attorney-

Q What relation, if any, is the applicant, William Childers, to you? A A nephew; my oldest sister's son.

Q And your sister was a Cherokee by blood? A Yes sir.

Q How long has she been dead, do you know? A No sir, I couldn't say just how long she's been dead; she's been dead several years.

Q You are on the 1880 roll, you say? A Yes sir, I think I am.

Q And the mother of this applicant was your full sister? A Yes sir, full sister.

Q You know whether your nephew, the applicant, made any crop in the Cherokee Nation? A Yes sir, he farmed one season up where I live now on Verdigris River, Cooweescoowee District.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of April, 1901.

E. J. Rothbauer
Thurman
Commissioner.

W. C. Sup. 3.

ever there.

Q With that exception, have you ever lived in the Choctaw Nation?

A Yes, sir.

Q What is his present name? A Yes, sir.

Q He married her, he stated, in 1886, in his own statement?

A Yes, sir.

Commissioner: Are these children for whom he applies his children by his present wife? A Yes, sir.

Commissioner: (to Applicant) Any questions you would like to ask him, Mr. Childers? A No, sir, not that I know of, I don't believe.

Q You know of anything else, Mr. witness? A No, sir, I don't know of anything else.

Applicant: Only one place, I failed to mention I lived there in Sandtown Bottom until the overflow run me out: I had to move out of the bottom on account of the overflow; that was before I lived in McKee; I lived in Sandtown Bottom and the river got up and overflowed the bottom and I had to move out and I moved over across the river on the other side.

William Childers, the applicant, being duly sworn and examined, by Commissioner Needles, testified as follows:

Q Were your children for whom you apply all born in the Choctaw Nation? A Yes, sir.

Q Your present wife a white woman? A Yes, sir.

Q She was the widow of a Choctaw citizen? A Yes, sir.

Q None of these children for whom you apply then were born to her before you married her? A No, sir.

Commissioner: This testimony will be filed with the other and taken into consideration when the case is decided upon and determined by the Commission.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this 3rd of September, 1901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 3, 1901.

In the matter of the application of William Childers for enrollment as a Cherokee by blood.

Supplemental testimony.

Appearances:

Applicant present in person;

W. W. Hastings, of counsel for Cherokee Nation.

John G. Childers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John G. Childers.

Q What is your age, Mr. Childers? A I don't know just exactly, I am somewhere about between 46 and 47.

Q What is your postoffice? A Claremore has been my postoffice.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Q Do you know William Childers, the applicant? A Yes, sir.

Q Is he any relation of yours? A He is a full brother, the same father and mother.

Q Well now, state what you may desire in regard to the citizenship of your brother? A Well sir, I will state first, in 1880 he had been and was at that time making his home with me in the Cherokee Nation on Sallisaw, and was a single man, I was a man of family and he was living there with me, and was just working by job work wherever he could get work along; the only place he knew as home was with me, I was the oldest and he always made my place his home, and when the census enumeration was made in 1880 they didn't visit all the houses direct, they went in a community, in a neighborhood and taken the names and inquired, go to some place and inquire about, didn't visit all the houses as the law demanded.

Q Well, know of anything else? A Why we presumed his name was on the 1880 roll all right and didn't know better until we appeared before the Commission at Claremore; at that time we didn't know just what evidence would be necessary and what would be required.

Q You supposed his name was on the 1880 roll then until you visited this Commission at Claremore and found it different? A Yes, sir.

Q Is William Childers your own brother? A Yes, sir, same father and mother.

Q Where was he born? A He was born in Flint District, Cherokee Nation.

Q What degree of Cherokee blood has he? A About 1/8, the best we can get at it.

Q Has he always lived in the Cherokee Nation? A No, sir, not always, he worked in the Choctaw Nation part of the time.

Q Was he a single man at that time? A Yes, sir, he married though in the Choctaw Nation.

Q Well, when did he commence to live permanently in the Cherokee Nation? A Well, he has lived off and on in the Cherokee Nation since he married.

Q When was that? A I don't just remember the dates now, but he lived in Sandtown bottom a while, and now he has his farm and all of his interests in the Cherokee Nation up near the Kansas line.

Q Is he married now? A Yes sir, his wife and about seven children I think it is.

Q Has he been living in the Cherokee Nation since 1887 or '8, three years ago, four years ago? A Well, he lived a short time in the Cherokee Nation two years ago to the best of my recollection.

Q Well, he lived in the Choctaw Nation then up until two years ago?

A Only just what time he visited my place, just made my house his

home.

Q Well, since he has been married and a housekeeper himself, he has never lived in the Cherokee Nation until about two years ago: is that correct? A Yes, sir, I believe that is about correct: he just lived on the Choctaw side, right on the other side the river.

Q On the other side the river? A Yes, sir.

Q That is close to the Cherokee and Choctaw line? A Yes, sir, the river made the line.

Q Is that where he had always lived? A That is where he has resided ever since he married, except the time that he lived at McKee; a short time at McKee.

Q Where is McKee? A McKee is in the Cherokee Nation.

Mr. Hastings: This boy born about the beginning of the war?

A Yes, sir.

Q He was born in Flint district, Cherokee Nation? A Yes, sir, we were both born in the Cherokee Nation.

Q Did his parents take him out of here during the war? A Yes, sir, my parents went down on Blue in the Choctaw Nation.

Q Did your parents ever come back here after the war? A No, sir, my parents died, my father died in the army and mother died down on Blue.

Q Yes I knew, but I want to know whether she died during the war or after the war? A Just a short time after the surrender.

Q Your brother was with your parents at that time? A Yes, sir.

Q Now did he remain down there until he married? A No sir, we came back.

Q Now where did he go to and when after the war? A We come together, me and him come to Childers Station first point.

Q Now about when was that; about how old was he? A He was about, somewhere about ten or twelve years old.

Q That was four or five or six years after the war? A Oh yes, yes, sir, it was, I don't just remember, I think mother died in '71, to the best of my recollection; we were just boys and I don't remember; as soon as we could we came on home.

Q Now how long did he stay at home? A He stayed here about two years in the Cherokee Nation.

Q And then went back? A No, sir, just across the river from over where Mrs. Walker used to live.

Q He went back to the Choctaw Nation? A Yes, sir, went over there and worked for them.

Q And he afterwards married Tandy Walker's widow? A Yes, sir.

Q She had previously married a Choctaw? A Yes, sir.

Q She had no rights over there as a Choctaw? A No, sir, she don't claim any rights herself I don't think as a Choctaw.

Q Well, her former husband was a recognized Choctaw citizen? A Yes sir.

Q Tandy Walker, I see from the divorce? A Yes, sir.

Q She had some children by him? A Two.

Q And after that divorce why your brother married her? A Yes sir.

Q Now Mr. Childers, where is his wife now? A She is in the Cherokee Nation up here close to the Kansas line.

Q Now how long has she been here continuously all the time? A Well they have just recently moved there to his farm.

Q Well, how long is that? A Only about three or four or five days I think.

Q They came from the Choctaw Nation up there? A Yes, sir: He owned this farm before that.

Q Well I am talking about their residence? A Yes, sir.

Q He has been living with his wife practically all the time in the Choctaw Nation since their marriage? A Yes, sir.

Q Until a few days ago when they moved up here? A Yes, sir; as I stated, they lived at McKee a short time.

Q About how long? A Only a couple or three weeks they lived

W C. Sup.3.

ever there.

Q With that exception, have you lived in the Choctaw Nation?

A Yes, sir.

Q What is her present wife? A Yes, sir.

Q He married her, he stated in 1886, in his own statement?

A Yes, sir.

Commissioner: Are these children for whom he applies his children by his present wife? A Yes, sir.

Commissioner (to Applicant) Any questions you would like to ask him, Mr. Childers? A No, sir, not that I know of, I won't believe.

Q You know of anything else, Mr. Witness? A No, sir, I don't know of anything else.

Applicant: Only one place, I failed to mention I lived there in Sandtown Bottom until the overflow run me out; I had to move out of the bottom on account of the overflow; that was before I lived in McKee; I lived in Sandtown Bottom and the river got up and overflowed the bottom and I had to move out and I moved over across the river on the other side.

William Childers, the applicant, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Were your children for whom you apply all born in the Choctaw Nation? A Yes, sir.

Q Your present wife a white woman? A Yes, sir.

Q She was the widow of a Choctaw citizen? A Yes, sir.

Q None of these children for whom you apply then were born to her before you married her? A No, sir.

Commissioner: This testimony will be filed with the other and taken into consideration when the case is decided upon and determined by the Commission.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 3rd of September, 1901.

[Signature]

Commissioner.

Q. She is a white woman? A. Yes, sir.
 Q. When were you and she married? A. We were married in '86, I guess it was.
 Q. After she got a divorce from her first husband?
 A. Yes, sir.
 Q. Have you been living together ever since that time?
 A. Yes, sir.
 Q. Never have been separated? A. No, sir.
 Q. Your home has been in the Cherokee Nation? A. Yes, sir.
 Q. How many children have you by Agnes? A. Six.
 Q. Are they all living? A. Yes, sir.
 Q. They have lived in the Cherokee Nation ever since they were born, have they? A. Yes, sir.
 Q. Do you know why your name doesn't appear on the roll of 1896? A. No, sir. I been enrolled on every roll since 1880.
 Q. Did you ever go by any other name except Childers?
 A. No, sir. I don't know why they didn't find my name.
 Q. You lived in Illinois district? A. Yes, sir; I been living in Illinois and Sequoyah. In Sequoyah and Illinois. My brother was living in Illinois and I had an uncle in Sequoyah and I lived with him part of the time.
 Q. Is that the only districts you lived in? A. I lived in Cooweescoowee.
 Q. Where were you living in 1896? A. I was living in Illinois.
 Q. Has your citizenship ever been disputed? A. No, sir; I have always been recognized as a citizen of the Cherokee Nation.
 Q. Have you voted at the Cherokee elections? A. Yes, sir; every time there was an election.
 Q. Has your vote ever been challenged? A. No, sir.

Jesse D. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of April, 1903.

Jesse D. Carr
 Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM CHILDERS
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. The applicant this day, to-wit: the 8th day of March, 1902, appears in person.

Mr. J. C. Starr, Cherokee Representatives, present.

WILLIAM CHILDERS, the applicant, being duly sworn, testified as follows in his own behalf;
Commission:

Q What is your name? A William Childers.

Q How old are you? A I don't know, my age exactly; I am something about 42 or 43.

Q Where do you live? A I live in Cooweescoowee district

Q post office address? A Kiro, Kansas.

Q You are an applicant before the enrollment for enrollment of yourself, wife and children as citizens of the Cherokee Nation?

A Yes, sir.

Q Is there any further statement that you desire to make relative to your enrollment? A That is what I don't know; I don't know whether there is any more than what I supplied; as I had my uncle before the Commission in September I believe he was and after I come down to see what would be required, to produce any more evidence or not. I had my brother before the Commission at Fort Gibson.

Q Do you submit the case to the Commission for final consideration?

A Yes, sir; that is what I thought I would come to see if there was any testimony I would be required to produce. I got the marriage license they told me I would have to get up.

Q Then you submit the case to the Commission? A Yes, sir.

Commission: The applicant and the representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

-- 1000,0000--

I, J. O. Reason, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenograph notes thereof.

J. O. Reason
Stenographer

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 27th, 1903.

In the matter of the application of William Childers for the enrollment of himself as a citizen by blood; his wife, Agnes W. Childers, as a citizen by intermarriage, and his children, William S., Tandy S., Sophia W., Ben F., Sarah V. and Gladdys Augusta Childers, as citizens by blood of the Cherokee Nation.

Supplemental to
Cherokee D-749.

William Childers, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your name? A. William Childers.
- Q. Your age? A. Why, I don't know my age exactly. I am somewhere about 42.
- Q. What is your post office? A. Tyro, Kansas.
- Q. Are you a Cherokee by blood? A. Yes, sir.
- Q. How long have you been residing in the Cherokee Nation?
- A. I have been here off and on all my life.
- Q. Were you born in the Nation? A. Yes, sir.
- Q. Your name doesn't appear on the roll of 1880? A. No, they couldn't find it.
- Q. Where were you living at that time? A. I was living at Vian, in Illinois district.
- Q. Your parents were dead? A. Yes, sir.
- Q. Were they Cherokees? A. Yes, sir.
- Q. Both of them? A. Yes, sir.
- Q. Have they died since 1880? A. No, sir; they died before that. They died when I was a boy. Nether died in '75.
- Q. You say you have been living in the Cherokee Nation off and on. Where else have you lived? A. Part of the time just across the line in the Choctaw Nation, the balance of the time in the Cherokee Nation.
- Q. You never lived out of the Territory? A. No, sir.
- Q. What is the name of your wife? A. Agnes.
- Q. Agnes W.? A. Yes, sir.
- Q. Is she your first wife? A. Yes, sir.
- Q. Are you her first husband? A. No, sir.
- Q. What was the name of her first husband? A. Tandy Walker.
- Q. Was he a white man? A. No, sir; he was a Choctaw.
- Q. Is he dead? A. No, sir.
- Q. Were they divorced? A. Yes, sir.
- Q. When? A. In '85, I believe it was.
- Q. In what court? A. Down in the Choctaw Nation.
- Q. Have you filed a copy of the decree of divorce between your wife and her first husband? A. Yes, sir.
- Q. At the time you enrolled? A. No, not at the time I enrolled. I didn't think anything about it. That is why they placed me on a doubtful card, because I didn't have these papers.
- Q. Is that the only time your wife Agnes had been married?
- A. Yes, sir.
- Q. You are her second husband? A. Yes, sir.

Q. She is a white woman? A. Yes, sir.
 Q. When were you and she married? A. We were married in '86, I guess it was.
 Q. After she got a divorce from her first husband?
 A. Yes, sir.
 Q. Have you been living together ever since that time?
 A. Yes, sir.
 Q. Never have been separated? A. No, sir.
 Q. Your home has been in the Cherokee Nation? A. Yes, sir.
 Q. How many children have you by Agnes? A. Six.
 Q. Are they all living? A. Yes, sir.
 Q. They have lived in the Cherokee Nation ever since they were born, have they? A. Yes, sir.
 Q. Do you know why your name doesn't appear on the roll of 1896? A. No, sir. I been enrolled on every roll since 1880.
 Q. Did you ever go by any other name except Childers?
 A. No, sir. I don't know why they didn't find my name.
 Q. You lived in Illinois district? A. Yes, sir; I been living in Illinois and Sequoyah. In Sequoyah and Illinois. My brother was living in Illinois and I had an uncle in Sequoyah and I lived with him part of the time.
 Q. Is that the only districts you lived in? A. I lived in Coowescoowee.
 Q. Where were you living in 1896? A. I was living in Illinois.
 Q. Has your citizenship ever been disputed? A. No, sir; I have always been recognized as a citizen of the Cherokee Nation.
 Q. Have you voted at the Cherokee elections? A. Yes, sir; every time there was an election.
 Q. Has your vote ever been challenged? A. No, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ^{11th} day of April, 1903.

Jesse O. Carr
Samuel Foreman
 Notary Public.

10749

20

IN RE

Application for Enrollment of

INFANT CHILD

Gladys Augusta Miller
as a citizen of

Cherokee

Nation.

Approved

Gladys Augusta Miller
1902

Commissioner.

Encl B-179

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 15 1902

Acting Chairman

IN RE

Application for Enrollment of

INFANT CHILD

Gladys Augusta Childs
as a citizen of

Cherokee Nation.

Approved

August 11, 1902

[Signature]
Commissioner.

Encl B-129

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 15 1902

[Signature]
Acting Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN BE Application for Enrollment, as a citizen of the Cherokee Nation,
of Gladdy Augusta Childers born on the 9 day of June, 1902
(Here insert name of child)
Name of Father: William Childers citizen of the Cherokee Nation.
Name of Mother: Agnes Nora Childers citizen of the Cherokee Nation.
Post-office Tyre, Kansas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } Kansas
INDIAN TERRITORY, } Montgomery Co
Cook District, }

I, Agnes Nora Childers, on oath state that I am thirty-nine
years of age and a citizen, by Marriage, of the Cherokee Nation;
that I am the lawful wife of William Childers, who is a citizen, by
Birth, of the Cherokee Nation; that a Female child was
(male or female.)
born to me on ninth day of June, 1902; that said child has been
named Gladdy Augusta Childers, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)Agnes Nora Childers.

Subscribed and sworn to before me this 7th day of June, 1902.

My Com Ex 723-1905
C. H. Pocock
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, } Kansas
INDIAN TERRITORY, } Montgomery Co
Cook District, }

I, Henry Bradley, a Physician, on oath state that I
attended on Mrs. Agnes Nora Childers, wife of William Childers
on the 9th day of June, 1902; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female.)
named Gladdy Augusta Childers.

WITNESSES TO MARK:

(Must be Two
Witnesses.)Henry Bradley, M.D.

Subscribed and sworn to before me this 7th day of June, 1902.

My Com Ex 723-1905
C. H. Pocock
NOTARY PUBLIC.

157144

*Under the terms of the application
of Mr. Childers to the
for
Charles Engstrom
Prize for Applauding*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UNITED STATES

FILED
APR 15 1902

ACTING CHAIRMAN

*Winston & Gorman
for
applauding*

In the matter of the application of William Childers for the enrollment of himself, his wife, and five children, before the Commission to the Five Civilized Tribes.

The applicant, Wm. Childers, applies for enrollment as a Cherokee citizen by blood, and the proof shows that he is about one-eighth Cherokee. He is a full brother of John C. Childers, whose name appears upon the roll of 1880. See statement of Jno. C. Childers filed in the case.

Ed. Bean, who is uncle of the applicant, also swears that Wm. Childers is the nephew, being a son of his oldest sister. The citizenship of Bean is recognized and undisputed by the Cherokee authorities. See sworn statement of Ed. Bean filed in this matter.

This is all the testimony as to the blood of the applicant. There is no evidence introduced by the Cherokee Nation to contradict it, and hence his blood must stand as fully established.

It is admitted that the applicant resided for several years just across the line near Tamaha in the Choctaw Nation, and for the purpose of schooling his children he resided there temporarily. To use his own language in his original statement, "he only lived there temporarily for the purpose of sending his children to school. He took his household goods with him, but he had a farm and stock here (meaning in the Cherokee Nation), and always counted it as his home."

This part of his testimony is not controverted, and he further swears, and there is no evidence to the contrary, that he has lived in the Indian Territory all of his life, never living outside of the Choctaw and Cherokee Nations, and that he considered and counted the Cherokee Nation as his home. There never was any permanent abandonment of said Cherokee Nation on his part, and when he left it at any time it was with the animus revertendi:

It is admitted that applicant married a white woman, who he claims was the divorced wife of a Choctaw citizen. He produces a certificate of marriage to her on July 25, 1886, signed by Joseph Garland, Supreme Judge of the Choctaw Nation. It is filed in the papers in this case.

All the presumptions of law are in favor of and support the legality of said marriage. The burden of proof is on the Cherokee

Nation to show that it was illegal. As it occurred in 1886 it was in sufficient time to make the wife of applicant a citizen of the Cherokee Nation by adoption, and we insist that she is entitled to be enrolled as such citizen under the facts in this matter.

It is true that the name of the applicant, Wm. Childers, does not appear upon the Roll of 1880, which fact is sufficiently explained by the testimony of his brother, Jno. C. Childers, wherein he states, that when the roll of 1880 was being made up or prepared, that the applicant was a single man making his home with him in the Cherokee Nation on Sallisaw; that his house was his home, and the applicant was working by job work whenever he could get work, and when the census enumeration was made in 1880, they (meaning the census takers) "did not visit all the houses direct; they went into neighborhoods and made inquiries, and did not visit all the houses as the law demanded."

This is a sufficient explanation why the applicant was not enrolled. He was, according to the proof, then living in the Cherokee Nation, and his failure to be enrolled was doubtless an oversight on the part of the enumerators, for which failure the applicant should not pay the penalty. Being a single man, working around by the job, the oversight was natural and not unusual. Even Cherokee enumerators are not infallible, and the roll of 1880 does not always speak the truth.

He and three of his children are, however, identified on the roll of 1894, and he has filed certificates of the birth since that date of his two younger children, viz: Ben F. and Sarah V. Childers. All of his children were born to him by his present wife.

There being no doubt as to both blood and residence of the applicant, Wm. Childers, and the proper identification of himself and family, we insist on his and their enrollment as Cherokee citizens by the Honorable Commission to the Five Civilized Tribes, according to the law and facts governing such applications.

William O. Jorner.

Attorneys for Applicants.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Childers for the enrollment of himself and minor children, William S., Tandy S., Sophia N., Ben F., Sarah V. and Gladdys A. Childers, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on October 30, 1900, William Childers appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and minor children, William S., Tandy S., Sophia N., Ben F. and Sarah V. Childers, as citizens by blood of the Cherokee Nation; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Gladdys A. Childers on June 9, 1902. Said application also included Agnes N. Childers, wife of the said William Childers, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but, the status of such persons not being fixed at this time, the said Agnes N. Childers is not embraced in this decision. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on April 23 and September 3, 1901; at Muskogee, Indian Territory, on March 8, 1902, and at Vinita, Indian Territory, January 27, 1903.

The evidence shows that the applicant, William Childers, is a native Cherokee; that said applicant and his minor children, William S., Tandy S. and Sophia N. Childers, are identified on the Cherokee strip payment roll of 1894. It appears that, by some mistake, William Childers was not enrolled on the 1880 authenticated roll of the Cherokee Nation but his brother, John Childers, is identified on said roll. All the other minor applicants are identified by birth affidavits filed with and made a part of the record herein.

The evidence further shows that the said William Childers was born in the Cherokee Nation and has since continuously resided in the Indian Territory. The residence of all the minor applicants herein is shown to be the same as that of their father, the said William Childers.

It is, therefore, the opinion of this Commission that William Childers, William S. Childers, Tandy S. Childers, Sophia N. Childers, Ben F. Childers, Sarah V. Childers and Gladdys A. Childers should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this SEP 18 1908

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage
of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1743
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John L. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaber	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clora Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldridge	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Haslewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1666
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillipe	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

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Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
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Samuel Harlan	D	3157	Mary L. Dudley	R	439
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Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
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Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

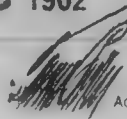
Dated at Muskogee, Indian Territory,

this January 10, 1907.

27749

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1902



ACTING CHAIRMAN

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

..... Mr. William Childers,

McKey, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and five
minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration
by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on
..... the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-749
Register.

Yours truly,

Acting Chairman.
XXXXXXXXXXXX

Commissioner in Charge.

Muskogee, Indian Territory, August 15, 1902.

William Childers,
Tyro, Kansas,

Dear Sir:

Receipt is hereby acknowledged of birth affidavit in the matter of the application for the enrollment of Gladys Augusta Childers, infant child of yourself and Agnes Nora Childers, as a citizen of the Cherokee Nation and the same has been duly filed.

Yours truly,

Acting Chairman,

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-749.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 8th, 1902.

Agnes H. Childers,

McKey, Indian Territory.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled
"An Act To provide for the allotment of the lands of the
Cherokee Nation, for the disposition of town sites therein,
and for other purposes," (Public No. 241), provides that "the
roll of citizens of the Cherokee Nation shall be made as of
September first, nineteen-hundred and two."

In accordance with said provision, you are hereby noti-
fied that the Commission to the Five Civilized Tribes will be
at its offices at Muskogee, Indian Territory, until Friday,
October 31, 1902, inclusive, for the purpose of affording you
an opportunity to show that you have not, between the date of
the original application for your enrollment and Sept 2, 1902,
forfeited your right as a citizen by intermarriage of the
Cherokee Nation.

This evidence should be introduced immediately, as it is
necessary in determining your right to share in the allotment
of the lands of the Cherokee Nation, and until the same is
furnished no further action can be taken looking toward your
final enrollment as an intermarried citizen.

Yours truly,


Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 740

UNITED STATES OF AMERICA
VINITA, INDIAN TERRITORY, JANUARY 26, 1903.

Vinita, Indian Territory, January 26, 1903.

William Childers,

McKey, Indian Territory.

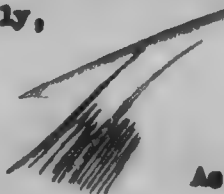
Dear Sir:

You are hereby notified that before your application for the enrollment of your wife, Agnes N. Childers will be complete, it will be necessary that you introduce further testimony showing the right to enrollment on September 1, 1902, of the said Agnes N. Childers.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on any day prior to February 18, 1903.

When you appear, please present this letter.

Respectfully,



Acting Chairman.

223

Enclosed 3-7-43.

Yakima, Indian Territory, Nov 4, 1932.

Commissioner of the Five Civilized Tribes,

Winko, Indian Territory.

Dear Sir:

The record in the matter of the application of William Childers et al., Cherokee B-743, is now deemed to be complete, and the same is transmitted herewith in order that a decision may be prepared.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Enc. B-4.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-749

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, ~~granting the application of William Childers for the enrollment of~~ himself and his six minor children, William S., Tandy S., Sophia N., Ben F., Sarah V. and Gladdys A. Childers, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Enc. D-29

Chairman.

COPY

Cherokee D-948

Muskogee, Indian Territory, October 18, 1908.

William Childers,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1908, granting your application for the enrollment of yourself and your minor children, William S., Tandy S., Sophia M., Ben F., Sarah Y. and Gladys A. Childers, as citizens by blood of the Cherokee Nation.

Respectfully,

JAMES BIRBY

Enc. D-89,
Register.

Chairman.

Cherokee No.
D. 749

Muskegee, Indian Territory, January 10, 1907.

Aghes M. Childers,

McKey, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decm. _____

Commissioner.

213
ANSWER IN REPLY TO THE FOLLOWING:

Cherokee D749

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

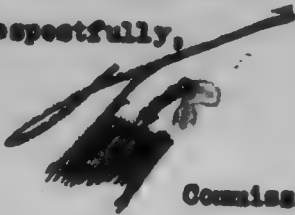
Agnes W. Childers,

McKey, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,



Commissioner.

XPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

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Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Wataas, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 24, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. 6-100
LWS


104
Buddy, ...

William not included on
SS roll

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 21 1902



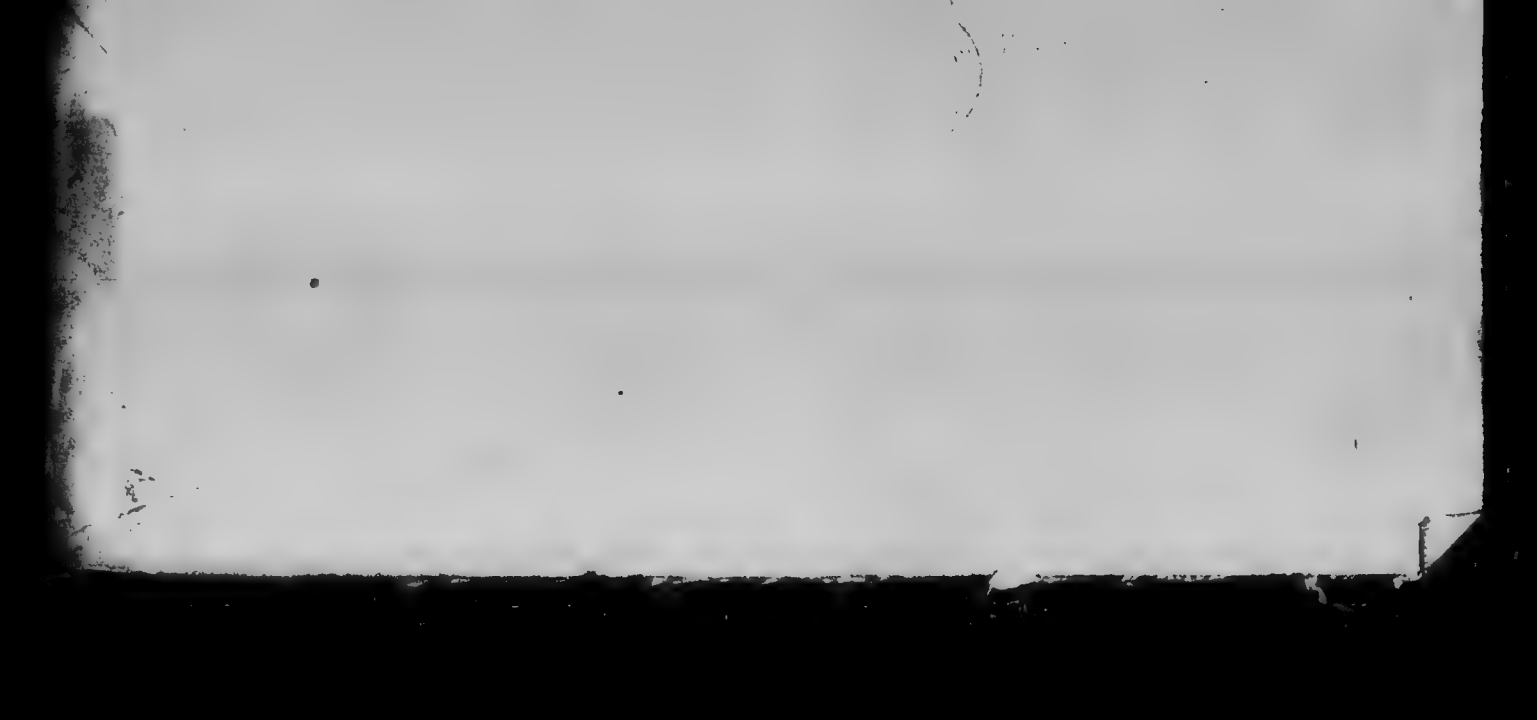
ACTING CHAIRMAN.

82 749.

Murphy 4/11/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of William L. Hilders

for enrollment as a citizen of the Cherokee Nation.
Cherokee D No. 7149. Led M. Wisdom





Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



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7119
Agnes N. Childres,

McKey, Indian Territory.

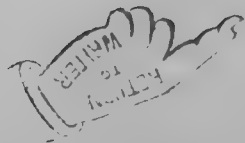
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



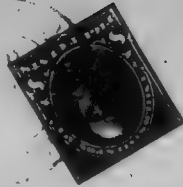
~~William Childers~~
~~Mcken~~

unknown

Mr. William Childers, has
long since moved to Tyro-
Pampas, which is his
present address.

Mr.
Munka S.

1925



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mr. William Childers,

McKey, India Territory.

La. n. h. e.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Territory.

long since moved to Tyro
Kansas. which is his
present address.

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1925
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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

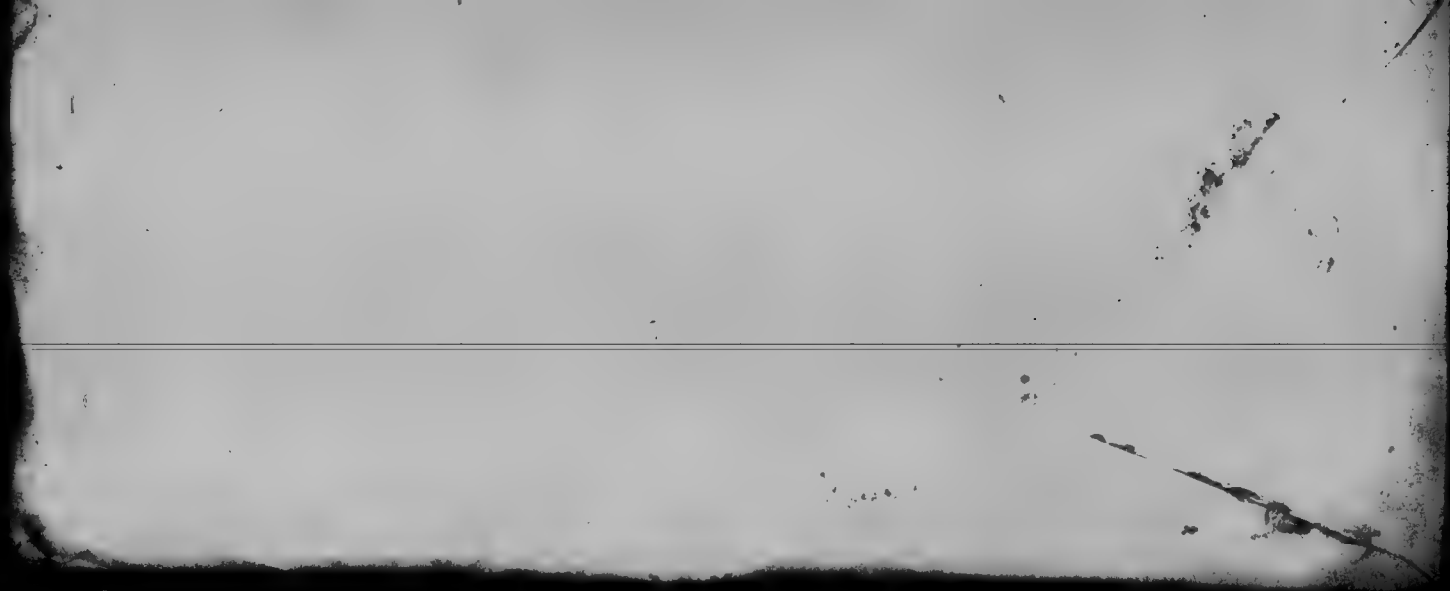
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mr. William Childers,

~~Muskogee~~, Indian Territory.

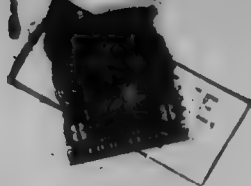
Tamaka



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

7100
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Agnes M. Childers,

McKey, Indian Territory.

014

Cher D 750

Cher D 750

William H. 1900

2.

COMMISSION TO THE CHEROKEE NATION
The applicant applies for the enrollment of himself and child. He is identified on the roll of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and will be listed now for enrollment as a Cherokee by blood. He avers that he was formerly married to Flora McLantia from whom he is now divorced, but he produces no satisfactory proof as to this divorce and will be required to produce a copy of the decree of divorce and file same with this Commission. He avers that he was married in 1898 to his present wife, who is a white woman, but he produces no satisfactory evidence as to this marriage, and he will be required to file either the original or a certified copy of his marriage license and certificate with this Commission. As to the application which he makes for the enrollment of his child, Ezekiel, a child by his present wife, it will be placed on what is known as a doubtful card to await the filing of the documents above cited, it being listed as a Cherokee by blood. Applicant also will be required to file proper certificate as to the birth of this child for the reason that its name does not appear on the census roll of 1896, it having been born after said roll was made.

Chas. von Weiler being sworn states that as stenographer to the Commission to the five civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas von Weiler

Subscribed and sworn to before me this the 31st of October, 1900.

W. D. E.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 30th 1890.

In the matter of the application of William Parrie for the enrollment of himself and one child as Cherokee citizens. He being sworn testified before the Commission as follows.

Q What is your name? A. William Parrie.
Q What is your age? A. 30.
Q What is your post office address? A. Claremore.
Q Do you make application as a Cherokee by blood? A. Yes sir.
Q What degree of Cherokee blood do you claim? A. 1/4
Q What district do you live in? A. Gessowessowess.
Q For whom do you make application? A. Myself and one child.
Q Have ye now wife? A. She is adopted.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Have you been, outside of the Cherokee Nation in the last three years? A. ~~XX~~
Yes sir, been in the Creek Nation since then.
Q For what purpose? A. Employment.
Q Where? A. Tulsa. Q How long did you stay? A. Four months.
Q What is your fathers name? A. Noah.
Q Is he living? A. Yes sir.
Q Is he a Cherokee or white man? A. Cherokee.
Q What is your mothers name? A. Betadie Downing.
Q Living? A. No sir.
Q Is she a Cherokee? A. Yes sir.
Q What district did you live in in 1880? A. Gessowessowess.
Q What district did you live in 1890? A. Gessowessowess.
Q Are you married? A. Yes sir.
Q What is the name of your wife? A. Mary.
Q Is she living? A. Yes sir.
Q How old is she? A. 10.
Q Is she a Cherokee or white woman? A. White.
Q When were you married? A. 1888.
Q How long has she lived in the Cherokee Nation? A. 6 years.
Q Have you lived with her since you married her? A. Yes sir.
Q Were you ever married before? A. Yes sir.
Q What is the name of your first wife? A. Flora McLentia.
Q Was your first wife a white woman? A. Yes sir.
Q Is she living? A. Yes sir.
Q Were you divorced from her? A. No sir.
Q How long did you live with her? A. 6 months.
Q Who secured the divorce? A. She did.
Q On what ground? A. Desertion.
Q When were you married to her? A. December 1885.
Q Have you any documentary evidence of that divorce? A. No sir.
She and I both went up to Kansas and we were divorced. I got a citation to come that is all.
Q What is the name of your child? A. Buckial Parrie.
Q How old is this child? A. 20 months.
Q Is it living? A. Yes sir.
Q Are you the father of it? A. Yes sir.
Q Is your present wife the mother of it? A. Yes sir.
Q Was your present wife ever married before? A. No sir.
Q Were you ever known as Elliot? A. Yes sir called that name.
1880 roll, page 187, No. 2222, Billy Parrie, Gessowessowess.
1890 " " " " William Parrie, Gessowessowess.
Q. Have you any evidence as to your marriage to your present wife?
A. Yes sir, There is a letter from the Clerk, I sent for a copy of the license and he says there that it was sent, but I never got it. My license is recorded in Kansas.

William Harris 2.

The applicant applies for the enrollment of himself and child. He is identified on the roll of 1886 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and will be listed now for enrollment as a Cherokee by blood. He avers that he was formerly married to Mary McLentle from whom he is now divorced, but he produces no satisfactory proof as to this divorce and will be required to produce a copy of the decree of divorce and file same with this Commission. He avers that he was married in 1899 to his present wife, who is a white woman, but he produces no satisfactory evidence as to this marriage, and he will be required to file either the original or a certified copy of his marriage license and certificate with this Commission. As to the application which he makes for the enrollment of his child, Ezekial, a child by his present wife, it will be placed on what is known as a doubtful card to await the filing of the documents above cited, it being listed as a Cherokee by blood. Applicant also will be required to file proper certificate as to the birth of this child for the reason that its name does not appear on the census roll of 1896, it having been born after said roll was made.

Chas. von Weiser being sworn states that as stenographer to the Commission to the five civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas von Weiser

Subscribed and sworn to before me this 31st of October, 1900.

M. D. Green
Notary Public.

Report of the Committee
on the Activities of the
Internal Security - 100

In the interest of the public, the Committee
has decided to publish this report.

CONFIDENTIAL

On May 10, 1950, the Committee
on the Activities of the
Internal Security - 100
has decided to publish this report.
The report is based on the
information received from the
Committee on the Activities of the
Internal Security - 100.
The report is based on the
information received from the
Committee on the Activities of the
Internal Security - 100.
The report is based on the
information received from the
Committee on the Activities of the
Internal Security - 100.

CONFIDENTIAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1908.

In the matter of the application of Ezekiel Parris et al.
for enrollment as citizens of the Cherokee Nation.

Supplemental Statement.

On the 7th day of January, 1908, there was filed with the Commission a birth affidavit duly executed by Mary Parris on the 30th day of October, 1900, from which it appears that Ezekiel Parris was born on the 7th day of February, 1883; that he is the child of William Parris and his wife, Mary, and that he was living at the date of the execution of the affidavit. Said affidavit was approved.

It is ordered that copies of this statement be filed with the testimony in this case.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Ezekiel Farris et al.
for enrollment as citizens of the Cherokee Nation.

On the 30th day of October, 1900, William Farris appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor child, Ezekiel, as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time William Farris was listed for enrollment upon a regular card as a Cherokee by blood and the name of Ezekiel Farris was placed upon a doubtful card, awaiting proof of divorce of William Farris from his former wife, Flora Neslentic; also proof of marriage to his wife, Mary, and proof of birth of the child Ezekiel.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

From the evidence of record in this case it appears that William Farris has resided in the Cherokee Nation all his life; that he is duly identified upon the 1880 authenticated tribal roll of the Cherokee Nation and also upon the census roll of 1896.

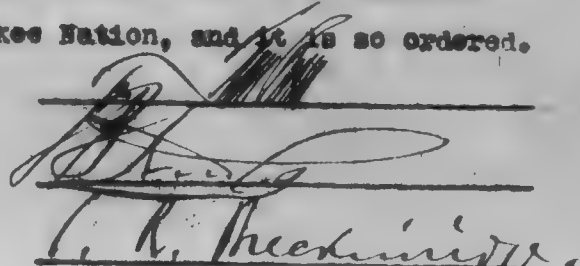
It further appears that he was legally divorced from his former wife, Flora E., on the 15th day of May, 1896. It further appears that he was duly married to Mary Hedden on the 19th day of June, 1899.

The child, Ezekiel, is too young to be upon any roll of the Cherokee Nation, but his birth is satisfactorily established. It appears that the child, Rebecca, was born since the original application in this case and his birth being satisfactorily established his name was placed upon the card with his brother, Ezekiel.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Ezekiel Parris and Roscoe Parris, being the descendants of a person whose name appears upon the 1880 authenticated tribal roll of the Cherokee Nation, are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered.


Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONERS
HENRY L. PAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

B. 750.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, May 21, 1902.

V. V. Hastings, Esq.,

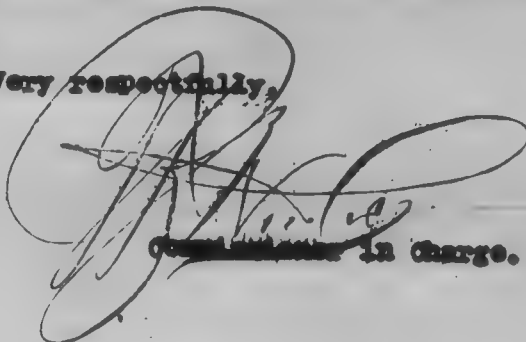
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of Ezekiel Parris et al for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Incl. B-750.

Ezekiel Parry

A. Original testimony. Oct 30. 1900

B. Memo. of application. Oct 30. 1900

C. Marriage license & cert.

D. Certified copy of marriage license

E. Birth certificate of Ezekiel Parry

F. Birth certificate of Isaac Parry

G. ...

H. ...

I. ...

J. Undeclared letter to applicant

K. Supplemental statement. 3/11

L. See Cherokee Sackett 5716^{3/11}

M. Sept 25 1900 ... and
transferred to ...

Cher D 751

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THE FIVE CIVILIZED
I L B F I

★ ACTING CHAIRMAN

Doubtful as to husband, James R. Stout.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., October 30, 1900.

In the matter of the application of Martha Stout for the enrollment of herself, husband and children as Cherokee citizens; being sworn and examined by Commissioner Breakinridge she testified as follows:

Q Give me your full name. A Martha Stout.
Q How old are you? A 30.
Q What is your post-office? A Collinsville.
Q Where do you live in Coconawawaw District? A Yes sir.
Q Who is it you want to enroll, yourself and family? A Yes sir.
Q You have a husband? A Yes sir.
Q And how many children? A 2 children.
Q Are you a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A About one-eighth.
Q Is your husband a white man or a Cherokee? A White man.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.

Q Lived here all your life, have you? A Yes sir.
Q Give me the name of your father? A Tom Davis.
Q Is he dead? A No.
Q Give me the name of your mother? A Lizzie Davis.
Q Is she dead? A Yes sir.
Q When did you marry your husband? A 1897.
Q That's the only time you have ever been married? A Yes sir.
Q Was he ever married except to you? A Yes sir.
Q He has been married before has he? A Yes sir.
Q What is his full name? A James Stout.
Q Have you got his marriage license and certificate? A Yes sir (Produce papers).

Q When was your husband married first? A I don't know.
Q You know who his first wife was? A No sir.
Q Was she a Cherokee? A Yes sir.

Contr: The applicant presents an illuminated certificate, showing that James R. Stout and Martha Davis were united in marriage on the 24th of August, 1897 by the Rev George W. Newbray; this is returned to the applicant.

JAMES RICHARD STOUT, being sworn and examined by Commissioner Breakinridge testified as follows:

Q What is your full name? A James Richard Stout.
Q How old are you? A 33.
Q You are the husband of the applicant here Martha Stout?
A Yes sir.
Q Were you married before you married her? A Yes sir.
Q To whom were you married then? A Eliza Deans.
Q Was she a white woman? A No sir.
Q Cherokee? A Yes sir.
Q When did you marry her? A In 1880.
Q Have you a license and certificate of that marriage? A Yes sir. (Produce papers).

Contr: The applicant presents license issued by the Clerk of Delaware District January 1st 1880 authorizing his marriage to his wife Eliza Deans; and the certificate shows that they were united in marriage on the day following by the Rev Joseph Smith; this is filed herewith.

Q How was that your first marriage to Eliza Deans? A Yes sir.
Q You have never been married but these two times? A No sir.
Q Was your wife Eliza ever married except to you? A Yes sir.
Q She was a white when I married her.

Q Did she have been married too? A Yes, Deema.
 Q Was he dead when you married her? A Yes sir.
 Q You are aware of that are you? A Yes sir.
 Q When did your wife Klise die? A She died in 1880.
 Q Did you live with her from the time of your marriage until she died? A Yes sir.
 Q And all the time in the Char Lee Nation? A Yes sir.
 Q How old was your wife when she died? A She was about 20 years old I think.
 Q What was her name before she married? A Ward.
 Q What was the name of her father? A John Ward.
 Q Is he dead? A Yes sir.
 Q What was the name of her mother? A Jane.
 Q Is she dead? A Yes sir.
 Q In 1880 what was your wife, was she a Deema, or a Ward? A She was a Deema.
 Q You have got a child by that wife haven't you? A No sir.
 Q Did she have a child by her first husband? A Yes sir, she had four children, I have the guardianship of one of the children.
 Q What is the name of the Deema child? A Edna.
 Q How old is that child? A 16 years old.
 Q How can you have got two children of your present marriage haven't you? A One.
 Q And that's the two that the two your wife talked about wanting to marry? A She had one child before he and her were married.
 Q She said she wasn't married before you and her married? A I can't help that; she had the child.
 Q Are you sure she wasn't married? A I have only got her word for it.
 Q Give me the names of the children? A The baby is named Russell S. Stout.
 Q How old is that child? A He will be 2 years old in December.
 Q Now what is the name of the other child? A Willie Whitewater.

APPLICANT RECALLS:

Q Did you ever live with this man Whitewater as his wife? A Yes sir.
 Q What is his full name? A Whitewater is all I know.
 Q Is he a white man or an Indian? A He is a Cherokee.
 Q How old is that child? A Nine years old.
 Q How long did you live with Whitewater as his wife? A 3 years.
 Q That was the first man you ever lived with as his wife? A Yes sir.
 Q And then you and he separated? A Yes sir.
 Q You kept house together? A Yes sir.
 Q Did you ever get a divorce from him? A He and him never was married.
 Q Yes sir, I got a divorce from him because he whipped me one day, and I picked up and left.
 Q You got that kind of a divorce? A Yes sir.
 Q How old would Whitewater be now? A I guess he is about 20 years old, maybe over.
 Q Had he ever had any other women for a wife before he married you? A Yes sir, he has had several, I don't know how many.
 Q Were they all dead when he took to living with you as his wife? A Yes sir.
 Q Had he ever had any regular divorce from any of them? A Not that I know of.
 Q They were all dead when he married you? A Yes sir, he and him wasn't married, we just lived together.
 Q 1880 roll, page 26 says Martina Davis, Cherokee Nation, Cherokee Applicant, her name would be Whitewater in 1880; I made a mistake there too; I lived with a Deema.
 Q Were you living with a man named Deema as his wife? A Yes sir.

Q What was his full name? A Andy Benson.
 1896 roll page 182 #2406 as Martha Benson Coconino Dist;
 1896 roll page 182 #2407 Andrew Benson Coconino Dist;
 1896 roll page 246 #743 Eliza Dean Delaware Dist, nativ Chor
 1896 roll for applicant's husband and name not found;
 1896 roll page 143 #1380 John Dean Coconino Dist;
 1896 roll examined for Willie Whitewater and name not found;
 Q Under what name has the child drawn Strip money? A Her
 pa may have put her down Myrtle, I put her on there as Lee Whitewater
 I drew her Strip money myself.
 1894 roll page 208 #2041 Lee Whitewater Coconino Dist.
 Q These children are all living now? A Yes sir.
 Q This man Andy Benson that you were living with is living now?
 A Yes sir.
 Q You never got any divorce from him? A No sir.
 I never was married to him according to law.
 Q HUSBAND RECALLED:
 Q Have you lived in the Cherokee Nation ever since you married
 your first wife in 1899? A Yes sir, I was raised in the Cher-
 okee Nation, and have never lived out.

Com'r Brackinridge: The applicant applies for the enrollment
 of herself, husband and three children; she is identified on the
 rolls of 1890 and 1896 as a native Cherokee; she has lived in the
 Cherokee Nation all her life and she will be listed now for en-
 rollment as a Cherokee by blood.

One of the children is a step-child, being a child of her hus-
 band's by a former wife, and the name of this child is Edna Deane;
 the mother of the child, now deceased, is identified upon the
 roll of 1890 as a native Cherokee, and the child is identified
 on the roll of 1896; it is a minor and is now living, and this child
 Edna Deane will not be listed for enrollment as a Cherokee by blood.

The child Willie Whitewater, is a child of the applicant's by
 a man with whom she lived for some years as his wife, though she
 denies that she was married to him; she has never been previously
 married, and he appears to have been married several times, and all
 of his former wives were not dead, nor was he divorced from them.
 This child is identified on the roll of 1896, but not upon the roll
 of 1890; it is living now and derives its right through its mother
 and will be listed for enrollment as a Cherokee by blood; when a
 certificate of birth is supplied of the birth of the child Russell
 S. Stent, a child of the applicant's by her present husband, this
 child also will be listed for enrollment as a Cherokee by blood.

Her husband is shown to have married a Cherokee wife by the
 license and certificate filed herewith, Eliza Deane, in accordance
 with Cherokee law in 1889; after her death he married his present
 wife, who is a Cherokee woman, but in addition to her having married
 Whitewater, from whom she separated and from whom she has never se-
 cured a divorce, she also lived as a wife with a man named Benson
 and she is enrolled with him and under his name in 1896; she has
 never secured a divorce from Benson; the applicant's husband is not
 identified on the roll of 1890; the application for his enrollment
 will be placed upon a doubtful card, for further consideration, it
 appearing probable that by his present marriage he has lost the right
 that he acquired under his first marriage; the final decision of the
 Commission will be made known to him at his post-office address.

J. D. GRIFF, being first duly sworn, states that as stenographer to the
 Commission to the Five Civilized Tribes he perfectly recorded the tes-
 timony and proceedings in this case and that the foregoing is a true
 and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21 day of Oct. 1900.

[Signature]

Special Agent

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JAMES R. STOUT
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day appears by his Attorney, A. M. Calloway, Claremore, Indian Territory.

Mr. J. O. Starr, Cherokee Representative, present.

Mr. Calloway: The Attorney for the applicant desires to introduce and file with the commission the marriage certificate of James R. Stout and Ely, Indian Territory, Cherokee Nation, and Martha Davis, of Ely, Cherokee Nation.

Commission of Mr. Calloway: Do you submit the case?
Mr. Calloway: Yes, sir; submit the case on filing.

Commission: The attorney for the applicant and representative of the Cherokee Nation submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now on record.

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I, J. O. Reussen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had in the above case on this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reussen
Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 2, 1902.

In the matter of the application of JAMES E. STOUT, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

JAMES E. STOUT, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your full name ? A James E. Stout.
Q What is your age at the present time ? A Thirty five.
Q Your present office ? A A Collinsville.
Q What is your wife's name ? A Martha.
Q Is she living at this time ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you and she married ? A We were married in 1897. We have been married twice.
Q Were you ever married prior to your marriage to this wife ? A Yes sir.
Q How many times ? A Once.
Q What was your first wife's name ? A Eliza Deems.
Q Was she a citizen by blood of the Cherokee Nation ? A Yes sir.
Q Were you married to this woman under a Cherokee license ? A Yes sir.
Q Have you filed that with the Commission ? A Yes sir.
Q When were you married to your first wife ? A In 1889.
Q When did she die ? A She died in 1893.
Q Did you and she live together from the time of your marriage up to the time of her death in 1893 ? A Yes sir.
Q Never were separated ? A No sir.
Q Since her death you have married your present wife ? A Yes sir.
Q Was your first wife married prior to her marriage to you ? A Yes sir.
Q How many times had she been married ? A Once.
Q Was that husband living or dead when you married her ? A He was dead.
Q Had you ever been married before you married her ? A No sir.
Q Had your wife, your second wife, been married prior to her marriage to you ? A Not that I know of.
Q Then your present wife is your second wife, and you are her first husband ? A Yes sir, as far as I know. She has one child, but she never was married.
Q You say she is a citizen by blood ? A Yes sir.
Q You and her have lived together all the time since you were married up to the present time ? A Yes sir.
Q Were you living together as husband and wife on September 1, 1902 ? A Yes sir.
Q How long have you lived in the Cherokee Nation ? A Twenty five years.
Q Have you lived in the Cherokee Nation all the time for the last twenty years ? A Yes sir.
Q How long did your first wife live in the Cherokee Nation ? A All her life.

It is hereby certified that the above named person is the
owner of the land described in the above certified plan, and that
the same is in his possession and control, and that he is the
owner of the same.

[Signature]

Witness my hand and seal this 1st day of May 1900.

[Signature]
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application for the enrollment of
James R. Stout as a citizen by intermarriage of the Cherokee Nation.

--- -- -- -- --

DECISION.

-----191-----

The record in this case shows that on October 30, 1900, Martha Stout appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of her husband, James R. Stout, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of this application were had at Muskogee, Indian Territory, on March 8, 1902, June 5, 1902, and October 2, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that James R. Stout, a white man, was lawfully married, under authority of a Cherokee marriage license, on January 2, 1889, to Eliza Deems, a citizen by blood of the Cherokee Nation. Eliza Deems died in 1892. The name of James R. Stout cannot be found on the Cherokee Census Roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The evidence in this case shows that James R. Stout secured rights of Cherokee citizenship through intermarriage with his first wife, Eliza Deems, and that subsequent to her death he married his present wife, Martha, a Cherokee citizen by blood.

The evidence further shows that said James R. Stout lived continuously in the Cherokee Nation with his first wife until her death, and continued to live therein until his marriage to his present wife, and was a resident from said marriage up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that James R. Stout should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Muskogee, Indian Territory,

this JAN 12 1903

Commissioner.

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-751

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 12, 1903.

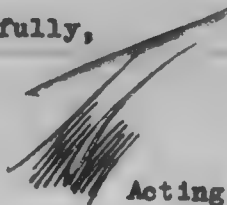
W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application of James R. Stout for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof, in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-19

A. Original testimony Oct 30-190

B. Mem. of application Oct 30-190

C. Notice of final consideration, 3/8/02

D. Marriage cert.

E. Index Army testimony 3/8/02

Copy of testimony sent

to

for

Cancelled and transferred

to Cherokees



See Cherokee jacket 15730

Chen D 752

Chen D 752

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE ENDS CIVILIZED TRIBES

FILED
SEP 25 1886

ALBANY, N. Y. SEPTEMBER 25, 1886
RECEIVED BY THE
COMMISSION TO THE ENDS CIVILIZED TRIBES
SEPTEMBER 25, 1886

TO THE COMMISSION TO THE ENDS CIVILIZED TRIBES
WASHINGTON, D. C.

FROM THE
SACRED SCHOOLS
ALBANY, N. Y.

TO THE COMMISSION TO THE ENDS CIVILIZED TRIBES
WASHINGTON, D. C.

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FROM THE
SACRED SCHOOLS
ALBANY, N. Y.

TO THE COMMISSION TO THE ENDS CIVILIZED TRIBES
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 24, 1900.

In the matter of the application of Emma Renfrow for the enrollment of herself and children as citizens of the Cherokee Nation of Shawnee blood; said Renfrow being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Emma Renfrow.
Q How old are you? A 42.
Q What is your post office? A Afton.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A Shawnee.
Q How much Shawnee? A Pretty near full blood.
Q For whom do you apply? A Myself and two children.
Q What is the name of your children? A Alice Gertrude Grass.
Q How old is she? A 20 her next birth day.
Q The name of the next one? A Felix G. Cowan.
Q Is he a son of your husband Cowan? A Yes, sir.
Q How old is Felix? A He will be 14 his next birth day.
Q Are these children alive and living with you? A Yes, sir.
Q What is your maiden name? A Bluejacket.
Q What was your name in 1880? A Grass.
Q Your first husband's name was Grass? A Yes, sir.
Q What was his first name? A Benjamin.
Q Is he living? A No, sir.
Q What is your next husband's name? A Felix Cowan.
Q Is he living? A Yes, sir.
Q What is the name of your present husband? A I have got none we are divorced.
Q How do you get the name of Renfrow? A He was my third husband and we are divorced.
Q Your name was Grass in 1880? A Yes, sir.
Q What was your father's name? A Henry Bluejacket.
Q Your mother? A Eliza Bluejacket.

1880 enrollment; page 120, 121, Emma Bluejacket, Delaware.
1894 enrollment; page 111, Emma Renfrow, Delaware, authentic and correct copy of the rolls of the Cherokee Nation, as a Shawnee. The name of her eldest child, Alice G. Cowan, appears upon the census roll of 1896, as well as her youngest child Felix G. Cowan, a child of her second husband. They all being duly identified according to the page and number of the rolls as indicated in the testimony, and having made satisfactory proof as to their residence the said Emma Renfrow, and her children Alice G. Grass and Felix G. Cowan, will be duly listed for enrollment by this Commission as Cherokee citizens of Shawnee blood.

-----GGGGG-----
J. C. Reeson, being first duly sworn, states that as stenographer to the Commission of the Five Civilized Tribes, he correctly recorded the testimony unproceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 24th day of September, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
P. H. H.
JULY 24 1890

John C. Thompson

10849

10849

Wm. J. ...
...

Department of the Interior,
Commission to the Five Civilized Tribes.
Claremore, I. T., October 23, 1900.

In the matter of the application of Benjamin G. Ornes for the enrollment of himself and children as Cherokee citizens: he being sworn and examined by Commissioner T. B. Hadden, testified as follows:

Q What's your name? A Benjamin G. Grass.
Q How old are you? A 39.
Q What's your postoffice address? A Collinsville, I.T.
Q What district do you live in? A Coconino was.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Who do you apply for enrollment? A Myself and three children.
Q What's the names of your children? A Vinnie, M.
Q How old is she? A Eleven.
Q What's the name of your next child? A Minnie E.
Q How old is she? A Nine.
Q Name of next child? A Evelina.
Q How old is she? A Two years old.
Q What degree of blood do you claim? A 3/4 I guess.
Q Three-quarters Cherokee? A Yes sir.
Q What's the name of your wife? A Sarah E.; she's a white woman.
Q She living? A No, she's dead.
Q Got any certificate of marriage to her? A No sir.
Q You will have to prove that before you can enroll these children.
When were you married? A In '87.
Q Are you a Cherokee or Delaware? A I am a Cherokee.
Q Who married you? A I forgot his name.
1880 roll: page 868, #1151, Benjamin Grass, Delaware Dist.
1896 roll: page 187, #1380, Ben Grass, Coconocowas.
1896 roll: page 187, 1880, Vinnie Grass
1898 roll: page 187, #1881, Minnie A. Grass, "
Q Got any proof as to the birth of this younger child? A No.
Q Did Joe Jolley marry you? A His clerk did.
Q Where is his clerk? A I don't know.
Q What was your wife's name? A The last one was Lisa Brown.
Q Whose the mother of this child, Vinnie? A Sarah Newark.
Q Who was the mother of Minnie? A She was the mother of Vinnie and Minnie both.
Q Who is the mother of Evelina? A Lisa Brown.
Q She a white woman? A Yes sir.
Q Got any certificate of marriage as to her? A No, they said I didn't have to get any.
Q You will have to have a certificate before you can enroll this child.

Commissioner--
The name of Benjamin Green appears upon the authenticated roll of 1880 as well as the Census roll of 1890, and he makes satisfactory proof as to his residence. Being duly identified, he will be listed for enrollment as a Sherbrooke citizen by blood. He claims he has three children, Winnie, Minnie and ~~William~~ H. by his first wife, Sarah Brown, and he has one child, Swallow, by his second wife, Liza Brown, but has no proof of marriage as to either wife. The name of his children, Winnie and Minnie appear upon the Census roll of 1890, and he makes no proof of birth as to his younger child; consequently, final judgment as to the enrollment of his three children will be suspended, and they will be placed upon a doubtful card, awaiting proof of marriage between applicant and his wives, Sarah Brown and Liza Brown, and proof of birth as to his younger child.

1. E. ROTHENBERGER, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his notes in said case.

RECEIVED BY THE
OFFICE OF THE
NOTARY PUBLIC
AT THE
CITY OF NEW YORK

NOTARIAL PUBLIC

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 30th, 1900.

In the matter of the application of John E. Renfrow for enrollment as a citizen of the Cherokee Nation; said Renfrow being sworn by Commissioner Breckinridge, testified as follows:
EXAMINATION BY THE COMMISSION:

- Q What is your name? A John E. Renfrow.
Q What is your age? A 31 years old.
Q What is your post office address? A Bartlesville.
Q Do you make application for enrollment as a citizen by blood of the Cherokee Nation? A No, sir.
Q By adoption? A Yes, sir.
Q For whom do you make application? A Just for myself.
Q What district are you living in?? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Since 1880.
Q What is the name of your father? A J. M. Renfrow.
Q Is your father living? A Yes, sir.
Q He is a white man? A Yes, sir.
Q What is the name of your mother? A I can't tell you, she died when I was just a child.
Q Your parents were never recognized as citizens of the Cherokee Nation? A No, sir.
Q Are you married? A I was married.
Q What is your wife's name? A Emma Grass when I married her.
Q Is she a Cherokee by blood? A She is a Shawnee.
Q Is she living or dead? A She is living.
Q What is the name of her father? A I cannot tell you.
Q Do you know what her mother's name is? A I do not.
Q How old is your wife? A About 35 years old.
Q When were you married? A In '91.
Q Have you any evidence of that fact? A There is the evidence.
THE COMMISSION: The applicant presents a certified copy of the marriage record showing that license was issued on the 21st day of September, 1891, to J. E. Renfrow, a citizen of the United States, to marry a citizen of the Cherokee Nation, Miss Emma Grass. The license being signed by H. H. Trott, Clerk of Cooweescoowee district, Cherokee Nation. And a certificate showing that the parties were united in the bonds of matrimony on the 21st day of September, 1891, by H. H. Trott, Clerk of Cooweescoowee district. The license and certificate are filed herewith.
Q How long did you live with your wife? A Until the winter of '93.
Q You lived with her about two years? A Just a little over two years.
Q Were you divorced from her? A Yes, sir.
Q Who secured the divorce? A I got the divorce.
Q On what grounds? A Desertion.
Q She left you did she? A Yes, sir.
Q Where were you living when this divorce was granted? A Eight miles south of Vinita.
Q Were you living on your own property? A Yes, sir.
Q Did you retain that property? A I give her half of it.
Q Where did your wife go when she left you? A She went to Vinita.
Q Have you any evidence of your divorce from her? A This here paper.
Q When was this divorce granted? A It was granted in '94, Spring of '94.
Q Was it granted by the tribal authorities of the Cherokee Nation, or the United States Court? A Cherokee Nation, Fairland was Judge.
THE COMMISSION: This document that you present is simply an affidavit of James S. Davenport, who appears to have been your attorney at that time and who knows of his own personal knowledge that the divorce was granted. The Commission will not accept this.

John E. Renfrow--2.

THE COMMISSION: The applicant presents a certificate from B. W. Alberty, Asst. Executive Secretary of the Cherokee Nation, certifying that the records of the Circuit Court of Delaware district (Cherokee Nation) have been examined and the decree of divorce as alleged to have been made in said Court at the Spring Term, 1894 in case of John E. Renfrow versus Emma Grass Renfrow, but the records of said Court failed in the Executive office fail to show any proceedings in the said Court from the September Term, 1891, to the September Term, 1894. This document is filed herewith for the consideration of the Commission.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q Did your wife appear in this contest? A No, sir.
Q It went by default? A Yes, sir.
Q You alleged desertion as the ground for divorce? A Yes, sir.
Q Did not you state that you divided the property with her? A She come down and I give her part of the property.
Q That was before the divorce was granted? A Yes, sir.
Q How long did you say you lived with her? A Until the Fall of 1893.
Q How long was that? A We were married in 1891.
Q You lived together about two years? A Yes, sir.
Q Have you ever married since? A No, sir.
Q Had she ever been married before she married you? A She said she was not lawfully married; she said she was married to Ben Grass.
Q By whom she had had some children? A No.
Q Had not she had some children before? A Yes, but she did not say he was her husband.
Q She lived with Ben? A Yes, sir.
Q How long did she live with Ben? A I do not know.
Q Is Ben Grass alive? A I cannot tell you that.
Q Was Ben Grass alive at that time? A Yes, sir.
Q He was alive when you married her? A That is my information.
Q She had been living with Ben Grass as her husband before that? A Yes, sir, I never saw the man at all.

BY THE COMMISSION:

Applicant:--My name is not on the roll of 1896. The 1894 roll is the only one I am on.

Q Did you make application to the Tribal authorities for enrollment in 1896? A Yes, sir.

Q What did they tell you? A They told me to get my marriage papers and I never got them; I neglected it.

THE COMMISSION: The census roll of 1896 examined and the name of the applicant not found on it.

Q What was your wife's name in 1890? A Emma Bluejacket.

Q Is your wife living or dead? She is living.

1890 Roll; page 200, #181, Emma Bluejacket, Delaware.

THE COMMISSION: The applicant applies for the enrollment of himself as an intermarried citizen of the Cherokee Nation. He is not identified on the census roll of 1896 for the reason the census enumerators in that year refused to enroll him unless he present satisfactory proof of his marriage in accordance with the laws and customs of the Cherokee Nation. He produces satisfactory evidence showing that he was married to said Emma Grass on the 21st day of September, 1891, in accordance with the laws and customs of the Cherokee Nation. It appears from the testimony that his wife was living with him by the name of Grass previous to her marriage to the applicant. He states that she has never married to him but

John H. Renfrew--2.

simply lived with him as man and wife and was so recognized by the community; that he failed to produce any satisfactory proof as to the separation of his wife from her former husband, Grass, and for the further reason that he claims to have been divorced from his wife in September, 1898, he will be listed for enrollment as a Cherokee by intermarriage, upon what is known as a DOUBTFUL CASE, and will be required to furnish proof to this Commission that his wife was not the wife of Grass. He will also be required to file with the original or certified copy of the decree showing that he was granted a divorce from his wife by the Tribal authorities of the Cherokee Nation.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 31st day of October, 1900.

A. M. ...

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

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September 21st 1891.

License this day issued to J.E. Renfro, a citizen of the United States to marry a citizen of the Cherokee Nation, Miss ~~Grass~~ Grass - said Renfro having complied with the laws of the Cherokee Nation.

The parties were by me united in the bonds of matrimony on the 21st day of September A.D. 1891.

H.H. Trett,

Clerk. C.D. C.N.

Recorded this 23d day of October A.D. 1891.

H.H. Trett,

Clerk Cooweescoowee Dist. C.N.

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Cooweescoowee District Cherokee Nation; that said record has been filed in this Office by law and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 13th day of October 1900.

B. W. Alberty

Assistant Executive secretary
Cherokee Nation.

Executive Office Cherokee Nation.

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary, of the Cherokee Nation do hereby certify that I have Examined the records of the circuit Court of Delaware District Cherokee Nation to find the record of the decree of Divorce alleged to have been made in said Court at the Spring Term of said Court 1894, in the case of John E. Renfro Vs Emma Grass Renfro, but the records of said Court filed in this Office fail to show any proceedings in said Court from the September Term of said Court 1891 to September Term 1894; if there were any record of the proceedings had in said court for the period between said dates, it cannot be found in this office where all records from the several clerks offices have been by act of the Cherokee National Council filed and are now in my custody. Given under my hand and the seal of the Cherokee Nation this the 27th day of October 1900.

B. W. Alberty

Assistant Executive secretary

Cherokee Nation

Supl.-C.D.#752.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8th, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN E. RENN
FROW as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. The applicant has this day, to-wit: the 8th day of March, 1902, been called and fails to respond either in person or by attorney.

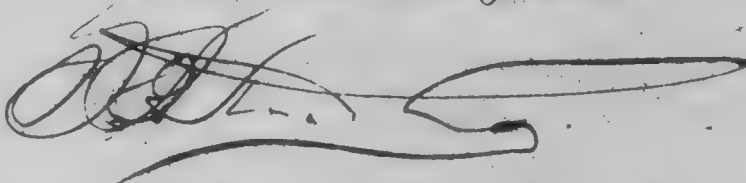
Mr. J. C. Starr, Cherokee Representative: The representatives of the Cherokee Nation ~~xxx~~ requests that this case be continued until March ~~18th~~ 19th, 1902, for the reason that the representatives of the Cherokee Nation have discovered some testimony that is material to this case, and they desire an opportunity of introducing the same.

Commission: The request of the Cherokee Nation will be complied with and the case continued until the 19th day of March, 1902.

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I, J. O. Rosson, being duly sworn, states that as stenographer to the Commission tk the Five Civilized Tribes he correctly recorded the proceedings had in this case, on the above date, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 12, 1902.



Commissioner.

thereof.
 going in a fine and complete transcript of my stenographic notes
 the testimony and proceedings in the above case, and that the fore-
 to the Commission to the Agent charged with the duty of reporting in full
 I, Arthur G. Crockett, do hereby certify that as stenographer

Arthur G. Crockett

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quence now of record.
 be reported to the Commission for such decision passed upon the evi-
 by affidavit, if it is deemed the case is complicated, and the same will
 March, 1908, been called and setting to respond, either in person or
 The applicant having the day, to wit the 30th day of

Q Never divorced from him? A No, sir.
 Q Did you have any children by him? A Yes, sir.
 Q Ben Green? A Yes, sir, an six years with him.
 Q Five with him? A Two years.
 MR. HASTINGS: Now about the man before just, how long did you
 know him? A No, sir.
 Q Did he ever come about ~~anywhere~~ and take your
 Q And were never divorced? A No, sir.
 Q You lived together as man and wife? A Yes, sir.
 married Indian state.
 Q You were never divorced from him? A We never married legally.
 Q How--how long did you live with him? A Two years.
 Q All the men that you were married to then before you married Ben-
 jamin, I make my living.
 COMMISSION: Just was the cause of the separation? A Because he
 Q You don't know? A No, sir.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 19, 1902.

In the matter of the application of James E. Renfrow for the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. On said date, to wit the 8th day of March, 1902, the Cherokee Nation moved that the case be continued until the 19th day of March, 1902, in order that it might introduce testimony material in said application. The Cherokee Nation makes satisfactory proof of service on the said James E. Renfrow that it would, at the offices of the Commission at Muskogee, Indian Territory, on the 19th day of March, 1902, introduce testimony tending to disprove his right to be enrolled as a citizen of the Cherokee Nation.

EMMA RENFROW, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A My name is Emma Renfrow.
Q What is your maiden name? A Bluejacket.
Q What was your first husband's name? A Henry Payne.
Q Did you live with him till his death? A Yes, sir.
Q Then you lived with--what was your next man? A Ben Grass.
Q How long did you live with Ben Grass? A Six years.
Q You and he separated? A Yes, sir.
Q Is he living yet? A Yes, sir.
Q Never was divorced from him? A No, sir.
Q What was the next man you lived with? A Felix Cowan.
Q How long did you live with him? A Two years.
Q Did you and he separate? A Yes, sir.
Q Did you have any children by him? A Yes, sir.
Q Is he living yet? A Yes, sir.
Q Any divorce from him? A No, sir.
Q And then what was your next man? A Renfrow.
Q Then he was your fourth? A Yes, sir.
Q How long did you live with him? A Two years.
Q You and he separate? A Yes, sir.
Q Did you get any divorce from him? A He got a divorce.
Q Well the circumstances of this separation? A Well, he got mad and he left me, and then he applied for a divorce.
Q Did you agree to the divorce? A Yes, sir.
Q Sort of by compromise then, by agreement? A Yes, sir.
Q Did he threaten to burn up your house? A Yes, sir.
Q Did he make you sell the place? A Yes, sir.
Q Divided the proceeds with you? A I divided with him.
Q Well, where were you living when you and Renfrow separated? A Living at Vinita.
Q Well, did he leave you or did you leave him? A He left me.
Q Did he leave you there? A Yes, sir.
Q Where is he now? A I don't know where he is at.
Q You don't know where he is living? A No, sir.
Q How long has it been since you have seen him? A I saw him last winter.

Q Well, is he living in the Cherokee Nation? A Well, I don't know that.

Q You don't know? A No, sir.

COMMISSION: What was the cause of the separation? A Because he wouldn't make my living.

Q All the men that you were married to then before you married Ben-fre—how long did you live with him? A Two years.

Q You were never divorced from him? A We never married lawfully, married Indian style.

Q You lived together as man and wife? A Yes, sir.

Q And were never divorced? A No, sir.

Q Did he ever come about ~~xxxxxxxxxxxxxxxxxxxx~~ and take your house? A No, sir.

MR. HASTINGS: How about the man before that, how long did you live with him? A Two years.

Q Ben Grass? A Yes, sir, ~~on~~ six years with him.

Q Did you have any children by him? A Yes, sir.

Q Never divorced from him? A No, sir.

The applicant having this day, to wit the 20th day of March, 1902, been called and failing to respond, either in person or by attorney, it is deemed the case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Greninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur Greninger

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John E. Renfrow for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 30, 1900, John E. Renfrow appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 19, 1902.

The evidence shows that the said John E. Renfrow was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 21, 1891, to Emma Grass, a Cherokee citizen of Shawnee blood. There is some evidence that the said Emma Grass had three former husbands; that her first and second alleged husbands were dead and the third, Ben Grass was living at the date of her marriage to the applicant herein. The evidence, however, fails to show that the said Emma Grass was lawfully married to either of her former alleged husbands, and the presumption of the validity of the marriage between the applicant and said Emma Grass is not overcome by the evidence as to her alleged former marriages.

The evidence further shows that the said John E. Renfrow has resided in the Cherokee Nation since 1880.

It is, therefore, the opinion of this Commission that the said John E. Renfrow should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirththrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lombard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Felling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney 4225
 Sydney E. Bell 4232
 Isaac H. Jordan 4235
 Charles Parks 4244
 Dora Frenchman 4262
 James R. Fugate 4275
 Maud Adams 4277
 Elizabeth Black 4281
 Anna Thornton 4291
 Robert T. Morrison 4294
 Perley Israel 4295
 William A. Long 4304
 Mollie Swannock 4319
 Frances Guess 4324
 Allen H. Gibson 4327
 John McFall Jr. 4343
 Albert W. Fitzsimmons 4360
 George S. Ford 4386
 Quinn Carr 4387
 William A. Powell 4390
 Austin Hasley 4400
 Anna Bible 4414
 Elizabeth Riley 4428
 John P. Sudderth 4449
 Anderson Keen 4450
 Ida M. Adams 4451
 Martha J. Randall 4457
 Mollie Conner 4477
 Jane McGhee 4491
 Jennie Riley 4525
 Hannah Randall 4528
 Charles W. Childers 4542
 Nannie B. Riley 4543
 John W. McDaniel 4544
 Minnie Armstrong 4548
 Ada Chouteau 4549
 Mary Thompson 4571
 Ota Armstrong 4593
 Mary Spencer 4594
 Clarkson F. Woody 4603
 James M. McConnell 4604
 Annie E. Coker 4605
 Jennie Long 4606
 Julia Gilstrap 4607
 Laura E. Smith 4608
 Annie Nicholas 4609
 Minnie R. Taylor 4611
 Mary E. Rogers 4614
 Emma Downing 4615
 William Steere 4619

Roxie J. Ketchum 4623
 Lizzie Love 4626
 Robert K. Wann 4632
 Frederick Metzner 4633
 John C. Bratcher 4634
 Pigfow L. Jones 4641
 Ada Bertholf 4642
 Alice Robbins 4644
 Jane Dougherty 4649
 Samuel Francis 4650
 Clemon C. Peek 4652
 Mont C. Frazier 4653
 Frank J. Mayberry 4656
 Charles W. Moore 4660
 Jefferson D. Edmondson 4661
 Alonzo H. Boone 4662
 Thomas C. Mock 4668
 Sallie Allison 4669
 Elizabeth E. Burgess 4671
 LaFayette Breeden 4673
 James M. Boling 4676
 Francis A. Neilson 4681
 John F. Smith 4689
 Rufus S. Steward 4691
 John I. Haddock 4694
 Maggie O. Walkley 4695
 George W. Talbert 4698
 Mary Miller 4700
 Henry C. White 4707
 Mattie E. Hill 4760
 Alice A. Bible 4772
 Katie Coker 4785
 John Creek 4801
 Ruby R. Bean 4804
 William J. Dodson 4836
 Blackburn Reed 4882
 Viola Lowther 4891
 William B. Ritchson 4910
 Henry D. McDonald 4950
 Della McDaniel 4956
 Dorothy Rattlinggourd 4991
 Ida McCay 5093
 Henry M. Lyon 5100
 Alice J. Wofford 5101
 Nancy Morris 5137
 Ella Sullivan 5140
 Winfield Williams 5144
 Bessie M. Smith 5145
 May Humphrey 5207
 Donnie Burgess 5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherland	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612

William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5688
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wylly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Usrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D	William S. Edwards	D	560
Lenora Prather	D	Susan L. Reed	D	572
Andrew M. Cooter	D	William H. Lyman	D	574
Martin L. Stokes	D	Gracia Davis	D	577
Peter Walters	D	Edward C. Bolen	D	582
Columbus M. Reeves	D	Dora Guthrie	D	585
Sarah Barnes	D	Samuel H. Hawkins	D	594
George T. Kiddy	D	Lula M. Purcell	D	600
Henry C. Agent	D	Ben Estes	D	603
Joseph Phipps	D	Thomas M. Reynolds	D	621
Henry Hilton	D	Arthur Dodge	D	622
David A. McGlamery	D	Carrie L. McNair	D	624
Maggie Doublehead	D	Constantine N. Walker	D	641
Annie Lovett	D	Joseph Davis	D	648
Nora Hood	D	Leander A. Keys	D	650
John A. Johnson	D	James J. Barndollar	D	655
Nathaniel G. Simpson	D	Nathan J. Brink	D	682
Oncico W. Head	D	William S. Miles	D	688
Etta Taylor	D	Emma Waybourn	D	698
Susan V. Sullivan	D	Dora E. Rogers	D	708
Levi H. Tackett	D	James W. Turley	D	709
William H. Connelley	D	Lizzie Ward	D	711
Julia A. Sullivan	D	Robert J. Holly	D	713
May Fields	D	Belle I. Quinton	D	728
Katie Hummingbird	D	Francis M. Boothe	D	734
William F. Sager	D	Amos W. Lord	D	746
Lovick P. Garrison	D	Agnes N. Childers	D	749
Henry Grubb	D	John E. Renfrow	D	752
Lucy F. Lacey	D	William Coon	D	759
Callie Blevins	D	Louis Bruere	D	779
James S. Alfrey	D	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D	Eliza Fields	D	787
Ada Hall	D	William H. Brown	D	788
Jane M. Hicks	D	William A. Cox	D	793
Fannie L. Dupree	D	Charles A. Robison	D	799
Willis Battles, Jr.	D	Artha Williams	D	800
Joshua W. Ellis	D	Adam Gearhart	D	806
Nina B. Owen	D	Cicero F. Rogers	D	855
John M. Ridenour	D	Annie Garrett	D	856
Emery S. Thompson	D	George S. Yarborough	D	875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1275
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Am

MAILED

FILED

1902

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ARTHUR L. AYLESWORTH
CLERK

Muskogee, Indian Territory, February 18,

1902

Mr. John E. Renfrow

Bartlesville, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of decree of divorce from your wife Emma.

CherokeeD-752
Register.

Yours truly,

~~Arthur L. Aylesworth~~

Commissioner in Charge.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 752.

Washon, I. T., March 4th, 1902.

The City of

Cartlesville, I. T.

Dear Sir:

Enclosed herewith find a notice, which please give at once to John M. Monfrow by delivering him one copy, and then take out your return on the back of the other copy in the lowest blank, swear to it before a Notary Public, and return to us at the earliest date possible; together with your charges for same, and we will be pleased to remit the amount. Please attend to this at once, as this case is set for hearing March 8th, 1902.

Yours truly,

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 752.

Muskogee, I. T., March 10, 1902.

City Marshal,

Pawnee, Okla. Ter.

Dear Sir:

Enclosed herewith find a notice which please serve at once on John E. Renfrow by delivering one copy to him, and then swear to your return on the back of the other copy before a Notary Public, and return to us by first mail possible; and also send us the amount of your bill for same, and we will be pleased to remit. Please attend to this, and oblige,

Yours truly,

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 752

Muskogee, I. T. March, 10, 1902.

Mr. F. L. Kemp,

Afton, I. T.

Dear Sir:-

Enclosed herewith find subpoena which have served on Ferra Renfrow, sometimes called Nora Grant at once. Have her to be at Muskogee on March, 12, 1902, and also advise us if she will be here. Upon receipt of your bill, we will be pleased to remit.

Yours very truly,

Muskogee, Indian Territory, May 23, 1902.

Mr. John E. Renfrow,

Pawnee, Oklahoma Territory.

Sir: . .

You are required to appear before the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, before June 12, 1902, and submit further evidence in the matter of the application for your enrollment as a citizen of the Cherokee Nation. You are requested to furnish a certified copy of the decree of divorce from your wife, Emma Renfrow, or in the event that a copy thereof cannot be obtained, to submit further evidence showing that such divorce was obtained. It will be also necessary for you to submit evidence showing that your wife, Emma, was divorced from her former husbands, Ben Grass and Felix Cowan, or that she was not lawfully married to them, or that they were dead when you and she were married.

You are reminded that this evidence is very important in the further consideration of your case.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee D 752
Register.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRICKNORRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-752

Muskogee, Indian Territory,

October 8th, 1902.

John E. Renfrow,

Bartlesville, Indian Territory.

Dear Sir:-

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,


Acting Chairman.

Cherokee No.
D. 752

Muskegee, Indian Territory, January 10, 1907.

John F. Renfrew,

Bartlesville, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D -----

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.

Cherokee D.....

752

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.


John E. Renfrow,

Bartlesville, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, rejecting the application for your enrollment as a
citizen by intermarriage of the Cherokee Nation, was affirmed
by the Secretary of the Interior, January 26, 1907.

Respectfully,



Commissioner.

RPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907,
to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to
Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907,
to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907,
to Saturday March 30th, 1907, inclusive.

Saturday March 23rd, 1907, inclusive.
Pryor Creek, Ind. Ter., Monday March 25th, 1907,
to Saturday March 30th, 1907, inclusive.
Tahlequah, Ind. Ter., Monday March 18, 1907,
to Saturday March 23rd, 1907, inclusive.
Sallisaw, Ind. Ter., Monday March 25th, 1907,
to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a ~~former intermarried white claimant, or held by him, do not belong to said intermarried white claimant,~~ or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

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13 1102

C.D. 75 2

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on *John E. Kenyon*

by delivering a true copy thereof on the
14 day of *march* A. D. 190*2*

Given under my hand this *14*
day of *march* A. D. 190*2* *E. H. Wilkinson*
E. H. Wilkinson city marshal
Marshal for the *Cherokee Nation*

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190 ..

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

John E. Kenyon
on the *14* day of *march* A. D. 190*2*
E. H. Wilkinson

Subscribed and sworn to before me :
this *14* day of *March* 190*2*

W. H. Meurer

Notary Public.

My Commission Expires May 17-1903

NOTICE!

IN THE MATTER OF the application of John E. Renfrow
for enrollment as Cherokee citizens.

Case No. D 752

To John E. Renfrow, Pawnee, Okla, Ter.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 19, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 10, 1902.

W. W. Hastings
Attorneys for the Cherokee Nation.

~~Handwritten text, mostly illegible due to a large diagonal line crossing through it.~~

Wife says she has
not derived from
Ben L... in Felix's
Dresses, or no evidence
of that kind can be
procured.

7/29/82 F.P.T.

I have been thinking
of you very much lately
and wondering how you
are getting on. I hope
you are well and happy.
I have been very busy
lately but I will write
you again soon.

I am very much
interested in you and
hope you are well and
happy. I will write
you again soon.

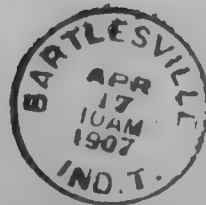
Yours
—

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

UNCLAIMED



John E. Renfrow,

Bartlesville,

Indian Territory.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



John E. Renfrow,

Bartlesville, Indian Territory.

352





Department of the Interior.

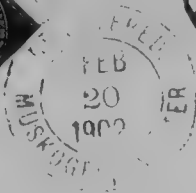
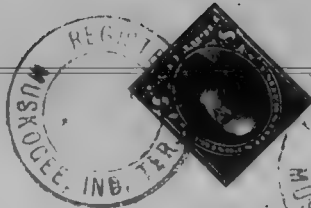
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Reverend ...



R.W.

1912
9:56

~~Mr. John E. Renfrow,~~

~~Bartlesville, Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Removed
Left no address*



~~JOHN~~

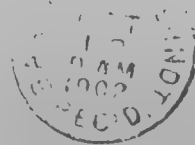
~~W. H.~~

~~Indian Territory.~~

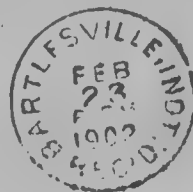
Department of the Interior.

Commission to the Five Civilized Tribes.





927



747
747
John J. Henfrow

Original testimony, Oct 30 1900

Memo. of application Oct 30 1900

Marriage license and certificate (copy)

Certificate relative to record in
divorce proceedings

Notice of final consideration, 3/8/02

Order confirming same 3/19/02

747
Proof of service of notice 3/19/02

CHESTER

Cher D 753

Cher D 753

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 31 1900

ACTING CHAIRMAN.

TO THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.

FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

REBUTAL TO THE REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
OCTOBER 31, 1900

1900

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 30, 1900.

In the matter of the application of James A. T. Parks for enrollment as a Cherokee citizen; he being sworn by Commissioner C. F. Breckinridge, and examined by the Commission, to testify as follows:

Q What is your name? A James A. T. Parks.
Q How old are you? A 33 years old.
Q What is your postoffice address? A Woodward, Okla.
Q You make application for enrollment as a Cherokee citizen by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A I think 3/32 or 3/16; I think 3/32.
Q What district are you living in at the present time? A I call Vinita my home; Cooweescoowee district.
Q Are you living there? A That has always been my home; I haven't been there permanently, or in the Cherokee Nation, for seven years; I was at school but not continuously. This has always been my home.
Q How long have you resided in the Cherokee Nation? A I was born here; all my life.
Q Resided in the Cherokee Nation all your life? A Yes, my home.
Q How long have you resided in Oklahoma? A The most, two years.
Q When did you go there? A In '98.
Q What part of '98; what time in the year of '98? A In November.
Q Did you move your household effects from the Cherokee Nation?
A I am a single man and have no household effects. I make my home with a sister in Vinita.
Q What is your occupation? A I am a preacher.
Q Were you assigned to a church in Oklahoma in '98? A Yes sir.
Q Been there ever since? A Yes sir, except a short time I spent out here; I came back now and then.
Q Have you been outside of the Cherokee Nation at any previous time? A No sir, except as I have been away at school and come back on a vacation.
Q Do you make application for anyone besides yourself? A No sir.
Q What is the name of your father? A Jess T. Parks.
Q Is he living or dead? A He's dead.
Q Is he a Cherokee by blood or white man? A Cherokee by blood.
Q What is the name of your mother? A Ann Thompson.
Q She living? A No sir.
Q She a Cherokee by blood? A Yes sir.
Q Where were you living in 1880? A In Delaware district.
Q Does your name appear upon the roll of 1880? A Yes sir, I think it is on ever roll that has been made.
Q Where were you living in 1896? A I was in the Cherokee Nation.
Q What district were you living in? A I was in Cooweescoowee; I was teaching Cherokee Orphan Asylum, Saline Dist.
Q Did you ever exercise the right of suffrage in Oklahoma? A No sir.
Q Never voted overthere? A No sir.
1880 roll: page 297, #1974, James A. T. Parks, Delaware Dist.
1896 roll: page 1222, 2478, James A. T. Parks, ~~Saline~~ Dist.
Tahlequah.

Q Have you been assigned for any certain period to remain there at that church in Oklahoma? A No sir; just a year at a time, and then I may be assigned next year back here or some other part of the Indian Territory wherever the conference sends me.
Commission-

The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation. He is identified upon the authenticated roll of 1880 and the Census roll of 1896 as a native Cherokee. He avers that he has made his home continuously since his birth in the Cherokee Nation with the exception of a time that he has been away at school. He also avers that he was assigned to a church in Oklahoma in November, 1898. He has been living in Oklahoma since that time. For the reason that he has not lived in the Cherokee Nation for the past two years, he will be listed

2- J.A.T.P.

for enrollment by this Commission as a citizen by blood of the Cherokee Nation upon a doubtful card. The final judgment when rendered in his case will be notified him at his present post-office address at the decision of the Commission.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 31st day of October, 1900.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

~~SUPPLEMENTAL TESTIMONY~~ in the matter of the enrollment of
JAMES A. T. PARKS as a citizen of the Cherokee Nation; introduced on
part of applicant:

Mr. J. C. Starr, Cherokee Representative, present.

M. L. BUTLER, being duly sworn, testified as follows on
part of applicant:
COMMISSION:

Q What is your name? A M. L. Butler.

Q Where do you live, Mr. Butler? A I am residing at present in
Muskogee.

Q You are a Minister of the Gospel? A Yes, sir.

Q Are you acquainted with the applicant in this case, James A.
T. Parks? A Yes, sir.

Q How long have you known him? A I have known Mr. Parks ten
years.

Q Where has he been making his home during that time, A His home
has been at Vinita, Indian Territory and on Grand river, but during
the past three years, well for the past five years, he has been
a member of the Indian Mission Conference.

Q He is a Minister of the Gospel? A Yes, sir.

Q And as such it becomes necessary for him to live in the
Oklahoma Territory? A Yes, sir, he was assigned to work in the
Oklahoma Territory three years ago, but he recognized Vinita as
his home; he has some holdings there.

Q As a member of your Conference he is supposed to go wherever
he is ordered? A Yes, sir.

Q That is the custom? A Yes, sir; that is the law of the church.

Q He has always claimed the Cherokee Nation as his home?

A Yes, sir.

Q Do you know, Mr. Butler, whether the applicant owns any property
in the Cherokee Nation? A I think he owns an improvement near
Vinita.

Q How long has he been a Minister? A He has been in the Minis-
try about eight years; however, not in the regular work over six
years.

Q Prior to that time you knew him? A Yes, sir.

Q He was then living in the Territory? A Yes, sir; here in the
Cherokee Nation.

Q Is there any other statement you desire to make relative to his

case? A No, sir; I don't think there is anything else for me
to state; he wrote me as I was Secretary of the Conference and knew
of the facts; he would like for me to make these statements as to
the facts.

Applicant was notified by registered letter February 18,
1902, that his application for the enrollment of himself as
a citizen of the Cherokee Nation would be taken up for final
consideration by the commission at its offices in Muskogee,
Indian Territory, on the 8th day of ~~March~~ March, 1902. The
applicant having this day, to-wit: the 8th day of March, 1902,
been called three times and failing to respond thereto in person
or by attorney, it is directed that the case be considered com-
plete, and will be reported to the commission for final decis-

ion based upon the evidence now of record.

---ooo000ooo---

I, J. O. Reasen, do hereby certify upon my official oath as stenographer to the commission to the five Civilized Tribes that I correctly recorded the testimony and proceedings in t his case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reasen
Stenographer.

In the matter of the
application of James A
T. Parks for the en-
rollment of himself
as a citizen of the
Cherokee Nation as a
Cherokee by blood.

Prayer and Argument of
applicant

S. J. Parks. My friend
applicant

of the Commission to the Five
Civilized Tribes

Muskegon, Ind. Ter.

James A. Parks, Applicant
of James A. Parks for the en-
rollment of himself as a citizen of the
Cherokee Nation as a Cherokee by blood.

Statement of Facts.

The testimony in this case shows that the applicant is a Cherokee
by blood, the father and mother of applicant, both being recog-
nized Cherokee citizens by blood; That the applicant is a single
man having no household effects: that he is a Minister of the Gospel
stationed at Woodward, Oklahoma; that he has been temporarily ab-
sent from the Cherokee Nation attending school and preaching; that
his home is at Vinita in the Cherokee Nation and that his name ap-
pears on the rolls authenticated in 1880, and the rolls of 1886.

Argument.

The contention of the applicant, James A. Parks, is that he is
a recognized citizen of the Cherokee Nation; that his home is in
the Cherokee Nation and has never been elsewhere: although he has
been temporarily absent attending college and preaching the Gospel
his home has always been in the Cherokee Nation: that he has always
exercised the right of suffrage in the Cherokee Nation, and not
elsewhere, and he has never removed with his effects from without
the limits of the Cherokee Nation and has never become a citizen
elsewhere. Article I, Section 2, "Cherokee constitution", and that
whenever any citizen shall remove with his effects out of the lim-
its of this nation and become a citizen of any other government, all
his rights and privileges as a citizen of this nation shall cease."

II

That owing to the fact that he is an ordained Minister of the Gos-
pel, belonging to the Indian Mission Conference, composed of Okla-
homa and the Indian Territories, subjecting himself to the rules,
regulations and discipline of such Conference by filling Stations
and Circuits in the Church at such points as the Bishop of such

Church and conference might designate, a forfeiture of citizenship could not be worked by accepting Stations and Circuits temporarily in the Church from year to year when the Conference to which James A.T. Parks belongs, includes the Cherokee Nation.

III.

That owing to the fact that applicant now appears on the authenticated rolls of 1860 "Page 297-No. 1974, James A.T. Parks, Delaware District", and on the 1896 roll "Page 1222-No. 2478, James A.T. Parks, Tahlequah District", it is incumbent on this Commission to enroll the applicant. Section 21 of the Act of June 28, 1898, "An Act for the protection of the people of the Indian Territory and for other purposes", makes it the duty of the commission to enroll such as are on these rolls. It is mandatory.

J. J. Parks

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James A. T. Parks as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 30, 1900, James A. T. Parks appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskegee, Indian Territory, on March 8, 1902.

The evidence shows that James A. T. Parks is a Cherokee by blood. He is identified on the 1880 authenticated Cherokee tribal roll, and on the 1896 Cherokee census roll.

The evidence further shows that he was born in the Cherokee Nation, and lived in said Nation all the time from his birth up to and including June 28, 1898.

It is, therefore, the opinion of this Commission that James A. T. Parks should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskegee, Indian Territory,

this SEP 18 190

Commissioner.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-753

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of James A. T. Parks for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Enc. D-30

Chairman.

James A. Parks.

A. Original testimony, Oct. 30, 1900

B. Memo. of application, Oct. 30, 1900

C. Notice of final consideration, 3/8/02

D. Receipt for testimony

E. Brief for applicant

F. Supplemental testimony and
order closing testimony 3/8/02

to red

Cher D 754

Cher D 754

c

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 30, 1900.

In the matter of the application of James R. Doherty for the enrollment of himself and one child as Cherokee citizens; he being sworn by Commissioner C. R. Breckinridge, and examined by the Commission, testified as follows:

- Q What is your name? A James R. Doherty.
Q What is your age? A 31 years old.
Q What is your postoffice address? A Collinsville.
Q You make application for enrollment as a Cherokee citizen by blood? A Yes sir.
Q For whom do you make application? A Myself and one child.
Q What degree of Cherokee blood do you claim? A 1/8.
Q What district are you living in? A Cooweescoowee.
Q How long have you resided in the Cherokee Nation? A About eight years the last time.
Q Have you been outside of the Cherokee Nation at any time within the past three years? A No sir.
Q Where did you go when you left the Cherokee Nation eight years ago? A I was up in Missouri; came back here eight years ago and been here eight years.
Q Where had you been living previous to that time? A Living in Missouri.
Q Had you ever lived in the Cherokee Nation before you came here eight years ago? A Yes, I was born here.
Q How old were you when you went away? A 18 months old. I was back in 1867.
Q How long did you stay in 1867? A Just a short time in Tahlequah to be re-admitted.
Q What is the name of your father? A Abe.
Q He living? A Yes sir.
Q Is he a Cherokee? A No sir.
Q What is the name of your mother? A Winnie.
Q She living? A No sir.
Q She a Cherokee? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Hattie.
Q Is she living? A Yes sir.
Q How old is she? A 19.
Q She a Cherokee by blood? A White woman.
Q When were you married to her? A In '97.
Q Have you any evidence of that marriage? A I have a certificate. Applicant presents marriage certificate showing that James Doherty a citizen of the Cherokee Nation and Miss Hattie Thompson, a citizen of the United States, were united in matrimony on the 23rd day of July, 1897, by the Rev. A. G. Hicks, a licensed minister. The same is filed herewith.
Q What is the name of your child? A Lizzie.
Q How old? A Born 28th of December, 1899.
Q This child alive and living with you at the present time? A Yes sir.
Q Your present wife is the mother? A Yes sir.
Q And you're the father of the child? A Yes sir.
Q Were you ever married before? A No sir.
Q Was she ever married before? A No sir.
Q You and your wife lived together continuously since you were married? A Yes sir.
Q You or your parents ever readmitted to citizenship in the Cherokee Nation? A Yes sir.
Q Have you any evidence of that fact? A No sir, had a certificate but it is lost.
Q When were you re-admitted? A In '87 I think.
Q By what of the Cherokee Council? A Yes sir.
Q Have you resided here continuously since that time? A No sir.
Q Were you in the Cherokee Nation when you were admitted? A

3- J.R.D.

Q How long did you remain here after you had been admitted to citizenship? A Not long, just came down to Tahlequah and was readmitted and then went back to Missouri.

Q And remained in Missouri until 1893? A Yes sir.

Q Have you resided here continuously since that time? A Yes sir.

Q Have you been outside of the Cherokee Nation since that time?

A Yes sir; not longer than two or three days at a time.

Q For what purpose did you go away; for the purpose of transacting business? A Yes sir.

1896 roll; page 146, 1400, James R. Daugherty, Co-wee-so-see.

Commission-
The applicant applies for the enrollment of himself and child as Cherokee citizens by blood. He is identified upon the Census roll of 1896 as a Native Cherokee; he avers that he was admitted to citizenship in the Cherokee Nation in the year 1887 by a act of the Cherokee National Council; he produces no documentary evidence as to this fact. He came to the Cherokee Nation in the year 1887 for the purpose of being readmitted to citizenship. After this had been accomplished he returned to the State of Missouri and did not return to the Cherokee Nation again until the year 1892; he then came to the Cherokee Nation and avers that he has made this his home continuously since that time. He presents satisfactory proof as to his marriage in 1887 to his present wife, Hattie, a white woman. He will be listed for enrollment by this Commission upon what is known as a doubtful card and will be required to file with the Commission a certified copy or the original records admitting him to citizenship in the Cherokee Nation. His child is not identified on the Census roll of 1896, having been born since said roll was compiled. When he files with this Commission properly executed affidavits as to the birth of said child, it also will be listed for enrollment with him as a Cherokee citizen by blood upon what is known as a doubtful card. When the final decision is rendered in his case, he will be notified in writing at his present post office address.

E. C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and correct translation of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 31st day of October, 1900.

M. D. [Signature]
Notary Public

1. The first step is to identify the key components of the system. This involves understanding the hardware, software, and data involved in the process.

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Department of the Interior,
Commission, to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.


In the matter of the application of James R. Doherty et al.
for enrollment as citizens of the Cherokee Nation.

—O—

Supplemental Statement.

On the 26th day of February, 1901, there was filed with the Commission a duly certified copy of the record of the Citizenship Commission of the Cherokee Nation in the matter of the application of James R. Doherty for citizenship, from which it appears that said James R. Doherty, among others, was on March 19, 1888, "readmitted to all the privileges, rights and immunities of Cherokee citizens by blood". Signed by J. T. Adair, Chairman, and John E. Gunter and D. W. Lipo, Commissioners. Said certified copy is duly attested by B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, on December 5, 1900, and the seal of the Cherokee Nation thereto affixed.

It is ordered that copies of this statement be filed with the testimony in this case.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

In the matter of the application of James R. Doherty et al.
for enrollment as citizens of the Cherokee Nation.

—o—

Supplemental Statement.

On the 30th day of October, 1900, there was filed with the Commission a birth affidavit duly executed by Hattie Doherty from which it appears that Lizzie Doherty was born on the 28th day of December, 1899; that she is the child of James R. Doherty and his wife, Hattie, and that said child was living at the date of the execution of the affidavit. Said affidavit was approved.

It is ordered that copies of this statement be filed with the testimony in this case.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of James R. Doherty et al
for enrollment as citizens of the Cherokee Nation.

—O—

On the 30th day of October, 1900, James R. Doherty appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor child, Lizzie, as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the names of James R. Doherty and his child, Lizzie, were placed upon a doubtful card, awaiting evidence of his readmission to Cherokee citizenship and proof of birth of his child, Lizzie.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

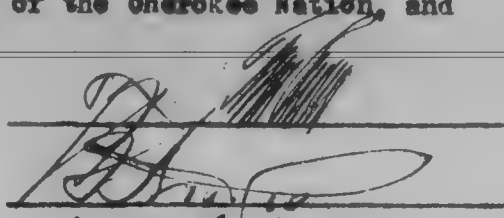
From the evidence of record in this case it appears that James R. Doherty was readmitted to all the rights, privileges and immunities of Cherokee citizens by blood on March 18, 1888; that he was a minor when readmitted; that at the time of his readmission he was not a resident of the Cherokee Nation, but returned thereto during his minority; that he has resided in the Cherokee Nation continuously since the year 1892. He is duly identified on the 1896 census roll of the Cherokee Nation.

It further appears that he was married to Hattie Thompson, a white woman, on the 23rd day of July, 1897. His child, Lizzie, is the offspring of that marriage. She is too young to be upon any roll of the Cherokee Nation, but satisfactory proof of her birth is established.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 22, 1896 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that James R. Deherty and his child, Lizzie, are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered.


C. R. McChesney
Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

HENRY L. DAVIS
TAM. 10.10.10
THE MAY 10.10.10
C. R. 10.10.10

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

D-754.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

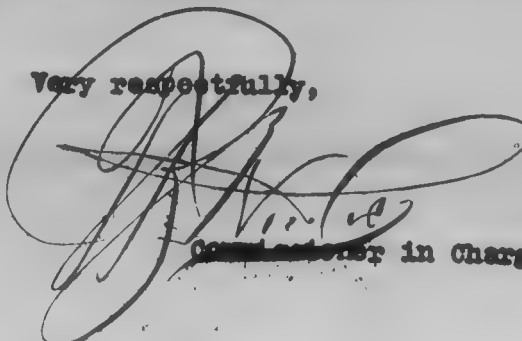
Attorney for the Cherokee Nation.

Sir:

Enclosed herewith please find copy of a decision of the Commission rendered May 20th, in the matter of the application of James R. Doherty et al for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed, these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Encl. D-754.

James R. Doherty.

et al

A Original testimony. (Oct 30-1900)

B. Return of apprehension. (Oct 30-1900)

C. Certificate of marriage.

H. Affidavit of birth Lizzie Doherty.

E. Return of admission

F. Supplemental statement, 31/10/02

G. " " 31/10/02

Sept 26, 1902 Called and
transferred to Case No. 1 and
No. 944.

See Cherokee Jacket R 755
R 356

Cher D 755

Cher D 755

Department of the Interior.
Commission to the Five Civilized Tribes.
Oklahoma, I. T., October 30, 1906.

In the matter of the Application of Abram A. Doherty for the enrollment of himself, ~~and~~ and children as Cherokee citizens; he being sworn by Commissioner G. R. Brookhouser, and examined by the Commission, testified as follows:

- Q What is your name? A Abram A. Doherty.
Q How old are you? A 58 years old.
Q What is your postoffice address? A Okaloosa.
Q Are you a Cherokee citizen by blood? A No sir.
Q Do you make application for enrollment as a Cherokee citizen by adoption? A I want to enroll my children.
Q Not yourself; you're a white man? A I am a white man.
Q Then you make application for enrollment as an intermarried citizen? A Yes sir.
Q For who do you make application? For yourself, wife and how many children? A I make application for three children.
Q Whatyoudesay? Now yourself and three children would be white sir.
Q How long have you resided in the Cherokee Nation? A I have lived in the Cherokee Nation at different times; last time seven years.
Q Have you been outside of the Cherokee Nation for any time within the past three years? A No sir.
Q What is the name of your father? A Robert W.
Q How dead? A Yes sir.
Q What is the name of your mother? A Jennie.
Q She's living is she? A Yes sir.
Q Were your parents ever recognized as citizens of the Cherokee Nation? A No sir.
Q Is your wife living or dead? A My wife's dead.
Q What was her name? A Minnie.
Q When did she die? A She died the 4th day of November, in 1891.
Q Was she a Cherokee by blood? A Yes sir.
Q What degree of blood did she have? A 1/4.
Q How long did she reside in the Cherokee Nation? A She was born in the Cherokee Nation.
Q What was the name of her father? A John Love.
Q Was he a Cherokee? A Yes sir.
Q How living or dead? A Dead.
Q What is the name of her mother? A Minerva.
Q Is she dead? A Yes sir.
Q Was she a Cherokee? A No sir, white woman.
Q When were you married to your wife? A I was married the 18th day of October, 1877.
Q Where were you living at that time? A Joplin, Mo.
Q Married under the laws of the State of Missouri? A Yes sir.
Q Did you live with your wife continuously up to the time of her death? A Yes sir.
Q Were you ever married before? A No sir.
Q Was she married before she married you? A I think she was a widow.
Q Her husband was dead when you married her? A Her husband was dead.
Q What are the names of your children? A John M.
Q How old? A 17 years old.
Q Name of next child? A Sarah H.
Q How old? A 15 years old.
Q Name of the next child? A Leona A.
Q How old is she? A 12 years old.
Q These children all alive and living with you at the present time. A Yes sir.
Q You're the father of these children? A Yes sir.
Q Your deceased wife was the mother? A Yes sir.
Q Have they always resided in the Cherokee Nation? A No sir.

not all the time, part of the time they lived in the State.

Q Were you or your wife ever readmitted to citizenship in the Cherokee Nation by an act of the Cherokee Council? A Yes sir.

Q When was that? A In '87.

Q Have you any evidence of that fact? A Yes sir, I can produce evidence.

Q You haven't it with you? A No sir.

Q Have you remarried since the death of your last wife? A No sir.

Q You lived with her continuously up to the time of her death?

A Yes sir.

Q Were you living in the Cherokee Nation when you were admitted in '87? A No sir; she came here to the Nation and got readmitted.

Q How long did she remain? A She didn't stay but a few weeks; come back, and we were going to move here. She got sick and didn't get well at that time.

Q When did you come to the Cherokee Nation to reside here permanently?

A I think it was the 14th of April, 1895.

Q Had you made your home in the Cherokee Nation any time before that? A Yes sir.

Q When? A From the first of March, 1878, till '81.

Q Then you moved to the State of Missouri? A Then I went to the State of Missouri.

Q And your wife staid there until '87? A She came back and forth.

Q In '87, she was then readmitted to citizenship? A Yes.

Q Then she returned to Missouri and you didn't come here to live permanently until '93? A Yes sir.

Q Were you admitted to citizenship at the same time your wife was?

A No sir, I wasn't admitted to citizenship at the same time she was.

Q Were you ever admitted to citizenship? A Nothing only married a Cherokee woman.

Q When did you marry a Cherokee woman; this man? A Yes sir.

Q When you came to the Cherokee Nation in '93, were you remarried to her in accordance with the laws and customs of the Cherokee Nation?

A No sir.

Q Never married her but once? A That was all.

Q Under the laws of the State of Missouri? A Yes sir.

Q Were these children you have enumerated here admitted the same time your wife was in '87? A Two of them was; one wasn't born at that time.

1886 roll; page 146, #1401, John M. Daugherty, Coconoes, Ariz.

1886 roll; page 14, #1402, Sarah E. "

1886 roll; page 146, #1403, Leona A. "

Q Where was your wife living when she died? A In Newton County.

Q Missouri? A Yes sir.

Commission-

The applicant applies for the enrollment of himself and three children. He is not identified upon the Census roll of 1886; he claims to have been married to a Cherokee woman on the 18th day of October 1877 in accordance with the laws and customs of the State of Missouri; he swears that his wife was admitted to citizenship in the Cherokee Nation in '87; he produces no satisfactory evidence as to this fact. He also swears that his two eldest children were admitted to citizenship at the same time. It appears from the testimony that the applicant's wife came to the Cherokee Nation for the purpose of being admitted to citizenship in 1887. After this had been accomplished she returned to the State of Missouri and did not return to the Cherokee Nation and make her home permanently here until 1893; six years after the date of admission. The applicant is a white man; he was married to his wife in accordance with the laws and customs of the State of Missouri, and after his wife had been admitted to citizenship in the Cherokee Nation, he did not remarry her in accordance with the laws and customs of the Cherokee Nation.

His application, therefore, for enrollment as a citizen by intermarriage of the Cherokee Nation is rejected for the reason that he did not comply with the laws of the Cherokee Nation. As to the application which he makes on behalf of his children: As stated before he avers his two oldest children were admitted to citizenship in '87 together with their mother. The youngest child was not admitted at that time, for the reason that it was not born. They are identified on the roll of 1896 as native Cherokees. They did not remove to the Cherokee Nation to make their home permanently until the year 1895, or six years after the date of admission to citizenship in the Cherokee Nation. For the reason that the applicant does not produce any documentary evidence as to the admission of his wife and her two oldest children to citizenship in the Cherokee Nation, they will be placed upon what is known as a doubtful card, and he will be required to file with this Commission either a certified copy or the original record showing that they were admitted to citizenship in the year 1887. They will be listed as Cherokees by blood.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E.G. Rothenberger

Subscribed and sworn to before me this 31st day of October, 1900.

Wm D. L...
Notary Public.

[illegible]

156. The Commission on the Security of the Republic.

[illegible]

The following is a list of the names of the persons who have been appointed to the various positions in the Department of the Interior, under the administration of the President of the United States, as of the 1st day of January, 1897.

Position	Name
Secretary of the Interior	John D. Smith
Assistant Secretary	John D. Smith
Chief of Bureau	John D. Smith
Comptroller	John D. Smith
Surveyor General	John D. Smith
Inspector General	John D. Smith
Chief of Land Office	John D. Smith
Chief of Mineral Office	John D. Smith
Chief of Forest Office	John D. Smith
Chief of Reclamation Office	John D. Smith
Chief of Indian Office	John D. Smith
Chief of Fish and Game Office	John D. Smith
Chief of Geographical Names Office	John D. Smith
Chief of Public Lands Office	John D. Smith
Chief of Surveying Office	John D. Smith
Chief of Mapping Office	John D. Smith
Chief of Engineering Office	John D. Smith
Chief of Construction Office	John D. Smith
Chief of Maintenance Office	John D. Smith
Chief of Transportation Office	John D. Smith
Chief of Communication Office	John D. Smith
Chief of Information Office	John D. Smith
Chief of Legal Office	John D. Smith
Chief of Medical Office	John D. Smith
Chief of Dental Office	John D. Smith
Chief of Veterinary Office	John D. Smith
Chief of Pharmacy Office	John D. Smith
Chief of Surgery Office	John D. Smith
Chief of Anatomy Office	John D. Smith
Chief of Physiology Office	John D. Smith
Chief of Pathology Office	John D. Smith
Chief of Hygiene Office	John D. Smith
Chief of Epidemiology Office	John D. Smith
Chief of Public Health Office	John D. Smith
Chief of Sanitation Office	John D. Smith
Chief of Quarantine Office	John D. Smith
Chief of Vaccination Office	John D. Smith
Chief of Dispensary Office	John D. Smith
Chief of Hospital Office	John D. Smith
Chief of Asylum Office	John D. Smith
Chief of Prison Office	John D. Smith
Chief of Jail Office	John D. Smith
Chief of Court Office	John D. Smith
Chief of Sheriff Office	John D. Smith
Chief of Constable Office	John D. Smith
Chief of Notary Office	John D. Smith
Chief of Clerk Office	John D. Smith
Chief of Stenographer Office	John D. Smith
Chief of Messenger Office	John D. Smith
Chief of Janitor Office	John D. Smith
Chief of Cook Office	John D. Smith
Chief of Baker Office	John D. Smith
Chief of Butcher Office	John D. Smith
Chief of Grocer Office	John D. Smith
Chief of Druggist Office	John D. Smith
Chief of Apothecary Office	John D. Smith
Chief of Pharmacist Office	John D. Smith
Chief of Physician Office	John D. Smith
Chief of Surgeon Office	John D. Smith
Chief of Dentist Office	John D. Smith
Chief of Veterinarian Office	John D. Smith
Chief of Apothecary Office	John D. Smith
Chief of Dispensary Office	John D. Smith
Chief of Hospital Office	John D. Smith
Chief of Asylum Office	John D. Smith
Chief of Prison Office	John D. Smith
Chief of Jail Office	John D. Smith
Chief of Court Office	John D. Smith
Chief of Sheriff Office	John D. Smith
Chief of Constable Office	John D. Smith
Chief of Notary Office	John D. Smith
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Chief of Stenographer Office	John D. Smith
Chief of Messenger Office	John D. Smith
Chief of Janitor Office	John D. Smith
Chief of Cook Office	John D. Smith
Chief of Baker Office	John D. Smith
Chief of Butcher Office	John D. Smith
Chief of Grocer Office	John D. Smith
Chief of Druggist Office	John D. Smith
Chief of Apothecary Office	John D. Smith
Chief of Pharmacist Office	John D. Smith
Chief of Physician Office	John D. Smith
Chief of Surgeon Office	John D. Smith
Chief of Dentist Office	John D. Smith
Chief of Veterinarian Office	John D. Smith

WALCH R. TOS:

Supl.-C.D.#755.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902:

SUPPLEMENTAL in the matter of the enrollment of JOHN M. DOHERTY,
ET AL., as citizens of the Cherokee Nation:

The applicant and their attorney were notified by registered letter February 18, 1902, that the application of John M. Doherty for the enrollment of himself and sisters as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, both by the applicants, and by their attorney, and they this day, to-wit: the 8th day of March, 1902, appear by their said attorney, A. M. Calloway, Claremore, Indian Territory.

Mr. J. C. Starr, Cherokee Representative, present.

Commission of Mr. Calloway: Is there any statement you desire to make relative to this case?

Mr. Calloway: No, sir, the attorney for the applicant having filed a certificate of admission, submits the case on the evidence filed.

The attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

J.H.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John M. Doherty, Sarah E. Doherty, and Leona A. Doherty, as citizens by blood of the Cherokee Nation.

DECISION.

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The record in this case shows that on October 30, 1900, Abram A. Doherty appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of his three minor children, John M., Sarah E., and Leona A. Doherty, as citizens by blood of the Cherokee Nation. The application also included Abram A. Doherty, but, as he is differently classified, he is not embraced in this decision. On March 8, 1902, at Muskogee, Indian Territory, further proceedings in the matter of this application were had.

The evidence shows that John M. Doherty and Sarah E. Doherty were admitted, with their mother, Winnie Doherty, and their brother, James R. Doherty, by reason of their Cherokee blood, to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on March 19, 1888. Leona A. Doherty had not been born at that time. John M. Doherty, Sarah E. Doherty, and Leona A. Doherty are all identified on the Cherokee census roll of 1896.

The evidence further shows that John M. Doherty, Sarah E. Doherty, and Leona A. Doherty have lived in the Cherokee Nation since April 1893.

It is, therefore, the opinion of this Commission that John M. Doherty, Sarah E. Doherty, and Leona A. Doherty should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this 11 402

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERRED IN REPLY TO THE FOLLOWING:

Cherokee D 755.

ADDRESSING THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

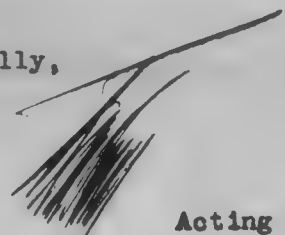
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Abram A. Doherty for the enrollment of his three minor children, John M., Sarah E. and Leona A. Doherty, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 36.

John M. Doherty

et al

(A) Original testimony. Oct 30. 1900

(B) Memo. of application. Oct 30. 1900

(C) Notice of final consideration, 3/8/02

Receipt for testimony.

(D) Order closed up testimony. 3/8/02

7

Exhibit 1014 1015 A,

R 356

Transferred to 7995 9790

Cher D 756

Cher D 756

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 30, 1900.

In the matter of the application of Mary Alice Noyes for the enrollment of herself and children as Cherokee by blood; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q Give me your full name? A Mary Alice Noyes.
Q How old are you? A 35 years old.
Q What is your post office? A Claremore.
Q Do you live in Coconawcoossee district? A Yes, sir.
Q Who is it you wish to have put on the roll? A Myself and three children.
Q Have you a husband? A Yes, sir.
Q You don't apply for him? A No, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Well, part of two years; I have lived in the Territory all my life, but I never got a chance to live up here; I have been readmitted.
Q Give me the name of your father? A George T. Black.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Martha F. Black.
Q Is she dead? A No, sir.
Q When were you married? A In the year of 1893.
Q To whom were you married? A Edwin Noyes.
Q Is he a white man? A Yes, sir.
Q Where were you married to him? A In Texas.
Q Is he living with you? A Yes, sir.
Q Have you been married more than once? A No, sir.
Q Are you on any of the rolls of the Cherokee Nation? A Well, I don't know.
Q Did you draw strip money? A Yes, sir.
(The applicant presents an official certificate showing that by an act of the Cherokee Council approved May November 29, 1892, certain persons were admitted to citizenship, and among them appears the name of Alice Black.)
Q Is that your name? A Yes, sir.
(The same document contains the name of her mother, Martha Black. This is recognized as official evidence of the applicant's admission as stated. The document is returned to the applicant. A condition attached to the act of Council is that the rights conferred are to accrue only when the aforesaid parties permanently locate in the Cherokee Nation, they being admitted to all the rights and privileges of Cherokee citizens by blood.)
Q Now when did you first come to the Cherokee Nation after this act? A In last year, 1899.
Q Only last year? A Yes, sir, I have owned property here though, since 1897.
Q But you never moved here, made your home here? A Well, my husband is a railroad man, and I couldn't very well, he is sent, and wherever they send him he has to go.
Q What property did you acquire in 1897? A A farm, 80 acres.
Q Was that property cleared up and improved? A No, sir, it wasn't.
Q Give me the names of your children? A Benjamin Franklin Noyes is the first, 7 years old.
Q The next child? A Henry Edwin, 5 years old.
Q The next child? A Roger Lloyd, 3 years old.
Q They are all living now are they? A Yes, sir.
(On 1896 roll, page 511, No. 2862, Allie Noyes, Delaware district. Benjamin F. Noyes on 1896 roll, page 511, No. 2863, Benjamin Noyes, Delaware district. Henry E. Noyes on 1896 roll, page 511, No. 2864, Edwin Noyes, Delaware district. Husband of applicant on 1896 roll, page

Mary Alice Noyes : 2

583. No. 395, Eb(d Min Noyes, Delaware district.)

Q How never married you under Cherokee law? A No, sir.

Q How long since you have been in Texas? A I was through there last week is all, I never lived there.

Q Where did you live? A I lived in the Choctaw Nation.

Q How long did you live in the Choctaw Nation? A I was raised in the Chickasaw and Choctaw; I can't say exactly; I think I was about 11 years old when we moved to the Choctaw Nation.

Q Where did you move from? A Chickasaw Nation.

Q Where were you born? A Chickasaw.

Q You were married, you say, in Texas? A Yes, sir.

Q He was a non citizen and didn't marry according to the Indian law? A No, sir.

Q And you just when there to get married? A Yes, sir.

Q You never lived in Texas? A No, sir.

Q So you have lived all your life in the Indian Territory? A Yes, sir.

Q You have got some people who are Chickasaws? A Well, yes, my mother's first husband was a Chickasaw.

Q Some of your people are on the Chickasaw rolls? A Yes, sir.

Q You don't claim to be a Chickasaw? A No, sir.

Q You were never in any way identified with the Cherokee Nation until you acquired property in 1897? A No, sir.

Q You didn't live here before that? A No, sir.

Q And you never came here until last year? A No, sir.

Q Do you make your home here now? A Yes, sir.

Q Your actual home? A Yes, sir.

Q Where is your husband? A He is down to the Frisco railroad here in Claremore.

Q He has got a railroad job here, has he? A Yes, sir.

The applicant applies for the enrollment of herself and three children. She does not apply for her husband, who was never married to her under Cherokee law, they having been married in the State of Texas under United States law. She states that she has spent all her life in the Indian Territory, but was never in the Cherokee Nation until last year. She acquired property, she states, in the Cherokee Nation in 1897. She is shown by the certificate cited in the testimony to have been admitted to citizenship by the Cherokee Council in 1892, the rights to accrue when she should move to the Cherokee Nation. Attention is directed to the Cherokee Act, approved December 4, 1894, requiring all admitted persons to locate within the limits of the Cherokee Nation within six months of the passage of this act, or from the date of readmission of persons thereafter readmitted, or no rights whatever shall accrue to such persons by reason of such admission; the same, however, not to apply to minors and orphans. The applicant and her husband and her two older children are identified on the roll of 1896. She and these two children will now be classed as Cherokees by blood upon a doubtful card, for further consideration of this case, and when she files a certificate of the birth of the youngest child, Roger L., this child also will be listed upon a doubtful card as a Cherokee by blood. The final decision of the Commission will be communicated to the applicant at her post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 1st day of October, 1900.

Commissioner.

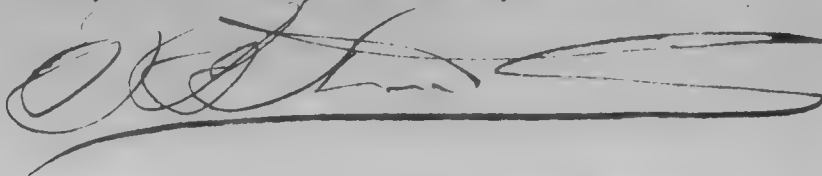
Supl.-C.D.#756.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY A. NOYES,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. She was also required to supply the Commission with a certificate of her readmission to citizenship in the Cherokee Nation. The applicant having this day, to-wit: the 8th day of March, 1902, been called three times and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee Representative, present.



Commissioner.

J.O.R.

In the matter of a motion in the case of
C.M. Reeves
vs.
J.T. Adair

Suit for Book Account.

Defendant by his attorney moved to dismiss the above case on account of there being no date as to when this *account* was opened or closed.

Second,- That the Revised Code requires the Plaintiff to state the nature of his case, in plain and concise language, so that the party sued may acquire information of the essential facts.

----See page 77, Sec., 3, also page 123, Sec. 117.

Third,-- A demurrer was also filed by defendant's attorney to the jurisdiction of the Court in this case, on account of the Plaintiff not being a citizen of the Cherokee Nation, at the time this suit was instituted and is not now a lawful citizen. See the Revised Code page 275, Art. 15, Sec. 67, relating to intermarriage of white men with Cherokee women.

It appears from the testimony of the District Clerk that the Plaintiff failed to comply with one of the provisions of the law in Sec. 67, Art. 15, page 275,- to-wit; Every white man applying for license as provided in the preceding Sections, shall furnish the Clerk with a certificate of good moral character, signed by the County Clerk, with the seal of the county of which he was last a voter.

In view of the fact that the Plaintiff failed to comply with all the provisions of law regulating intermarriage of whites and Indians the ruling of the Lower Court is sustained and the case is dismissed.

Jno. Wickliff, Associate and
Acting Chief Justice.

J.T. Cunningham, A.J.

Oct. 14, 1892.

Executive Department, Cherokee Nation.

Tahlequah ?, I.T.

I hereby certify that the foregoing is a true copy of the record

of the Supreme Court, which record is now on file in this
office , and is ⁱⁿ my legal custody.

Given from under my hand
and seal of office on this
the 9th., day of July 1902

J. T. Parks.
Executive Secretary.

Cherokee L 756

An Act to re-admit Martha Black and family to citizenship in the Cherokee Nation.

Be it enacted by the National Council;- That Martha Black, Henry Bacon, Dora Bacon, now Dora Watiman and Thomas Bacon, Also Alice Black, Willie Black, May Black and Effie Black be and they are hereby re-admitted to all the rights and privileges of all Cherokee citizens by blood.

Be it further enacted; That none of the rights and privileges granted to the said Martha Black and family by this Act shall not take effect until they shall have permanently located within the limits of the Cherokee Nation.

Passed the Council Nov. 29, 1892.

W.G. Fields

Clk Council

Joe Cobb

protem Council.

Speaker ~~Executive Department~~

Passed the Senate Dec. 1, 1892.

J.L. Thompson

Clk Senate

T.M. Buffington

President Senate.

Approved Dec. 1st., 1892

C.J. Harris

Principal Chief.

))))-----

Executive Department, Cherokee Nation.

Tahlequah, I.T.

I hereby certify that the foregoing is a true and correct copy as shown by the record of laws of the Cherokee Nation now on file in this ~~Executive Department~~ office.

In witness whereof, I hereunto set my hand and affix the seal of the Cherokee Nation, on this the 9th., day of July 1902.

J.T. Parks
Executive Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary A. Noyes for the enrollment of herself and her minor children, Benjamin F., Henry E., and Roger L. Noyes, as citizens by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on October 30, 1900, Mary A. Noyes appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself and her minor children, Benjamin F., Henry E. and Roger L. Noyes, as citizens by blood of the Cherokee Nation.

The evidence shows that the maiden name of said Mary A. Noyes was Alice Black, or Mary Alice Black; that she, among others, was readmitted to citizenship in the Cherokee Nation, on December 1, 1892, by an act of the National Council, upon condition that said act should not take effect until the parties admitted should permanently locate within the limits of the Cherokee Nation. It further appears that in 1893 the said Mary A. Noyes (nee Black) was married to Edwin Noyes, a white man; that they have lived together ever since their marriage, and that the said minor children are the issue of such marriage.

It further appears that all the applicants, except Roger L. Noyes, are identified as native Cherokees on the 1896 census roll of the Cherokee Nation, as follows: Mary A. Noyes, as Allie Noyes; Benjamin F. Noyes, as Benjamin Noyes, and Henry E. Noyes, as Edwin Noyes. The applicant, Roger L. Noyes, is too young to appear on any of the tribal rolls, but is identified by a birth affidavit on file with the Commission.

The evidence further shows that the said Mary A. Noyes has resided in the territory of the Five Civilized Tribes all her life; and that she has permanently resided in the Cherokee Nation from 1899 up to and including the date of the application herein. The residence of said minor children is presumed to be the same as the residence of their parents.

It is therefore the opinion of this Commission that Mary A. Noyes, Benjamin F. Noyes, Henry E. Noyes and Roger L. Noyes should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the act of Congress, approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Thomas Dixey

Acting Chairman.

[Signature]
Commissioner.

C. A. Richardson
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY I. DAVIS
TAMM DIXIE
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 756.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

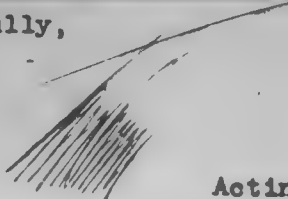
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Mary A. Noyes for the enrollment of herself and her three minor children, Benjamin F., Henry E. and Roger L. Noyes, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 219.

Decision

Mary A. Noyes.

et al

- (1) Original testimony. Oct 30-1900
- (2) Return of application. Oct 30-1900
- (3) Affidavit of birth. Robert Noyes
- (4) Notice of final consideration, 3/8/02
- (5) Order closing testimony 3/8/02.

Cher D 757

Cher D 757

D
COMMISS

Mr

1-

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 30, 1900.

In the matter of the application of Jane Krigbaum for the enrollment of herself and child as Cherokees by blood; she being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name, please? A Jane Krigbaum.
Q How old are you? A 20 years old.
Q What is your post office? A Claremore.
Q Do you live in Cooweescoowee district? A No, sir, Saline district.
Q And Claremore your post office? A We have got a place in Saline.
Q You are here now but your real home is in Saline? A Yes, sir.
Q Who is it you want to have enrolled, yourself and family? A Myself and this baby.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Lived here all your life? A Yes, sir.
Q Give me the name of your father? A John Twist.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Amanda Twist.
Q Is she dead? A No, sir.
Q When were you married? A I was married the 24th of September, 2 years ago.
Q Have you a certificate of your marriage? A Yes, sir.
(The applicant presents a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory, Setp. 16, 1898, authorizing marriage between James Edward Krigbaum and Miss Jane Twist. The certificate shows that they were united in marriage on the 24th of the same month and in the same year by the Rev. W. H. White. This is filed herewith.)
Q Give me the name of your child? A James Arthur Krigbaum.
Q How old is the child? A Born the 5th of last August.
Q You lived in Saline district when you were a child? A No, sir, Going Snake district.
Q You had a brother Abe and a brother Isaac? A Yes, sir.
Q Your own brothers? A Yes, sir.
(John Twist on 1880 roll, page 480, No. 1742, Going Snake district. Abe Twist on 1880 roll, page 480, No. 1743, Abe Twist, Going Snake district. Isaac Twist on 1880 roll, page 480, No. 1744, Going Snake district.)
Q Are these brothers still living? A Yes, sir.
(Jane Twist on 1886 roll, page 795, No. 2060, Going Snake district.)
Q Do you think you are as much as 20 years old? A I was 18 when I was married.

The applicant applies for the enrollment of herself and child. She states that she has lived in the Cherokee Nation all her life. Her father and two brothers are identified on the roll of 1880, but neither she nor her mother is identified on that roll. The applicant is identified on the roll of 1896, and the marriage license and certificate filed herewith establish her change of name. For her further identification in connection with the roll of 1880, and the establishment of her right to citizenship, she will not be listed as a Cherokee by blood on a doubtful card, and when she files a certificate of the birth of the child, he also will be listed with her as a Cherokee by blood, on a doubtful card.

Jane Krigbaum - R.

Bruce G. Jones, being sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 31st of October, 1900

C. M. Murrell

Commissioner.

DEPARTMENT OF THE INT
SSION TO THE FIVE CIVIL

FILED
DEC 19 1900



ATTN: CHAIRMAN

“The 24th of October.”

Strongly agree, Agree, Disagree, Strongly disagree

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

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... who has already been ...

10. The following information is for information only. It is not to be used for any other purpose.

How do you feel about the situation? (10/10/10)

... ..

... from the ...

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

1. *Chrysomelidae* (Coleoptera) (10 specimens)
 2. *Chrysomelidae* (Coleoptera) (10 specimens)
 3. *Chrysomelidae* (Coleoptera) (10 specimens)
 4. *Chrysomelidae* (Coleoptera) (10 specimens)
 5. *Chrysomelidae* (Coleoptera) (10 specimens)
 6. *Chrysomelidae* (Coleoptera) (10 specimens)
 7. *Chrysomelidae* (Coleoptera) (10 specimens)
 8. *Chrysomelidae* (Coleoptera) (10 specimens)
 9. *Chrysomelidae* (Coleoptera) (10 specimens)
 10. *Chrysomelidae* (Coleoptera) (10 specimens)

[illegible]

Why join the Greenpeace Nation? A lot of...

our friend to a ship, and to her, I have no doubt,

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1601 double beam UV-VIS spectrophotometer.

1910-1911, 1912-1913, 1914-1915, 1916-1917, 1918-1919, 1920-1921, 1922-1923, 1924-1925, 1926-1927, 1928-1929, 1930-1931, 1932-1933, 1934-1935, 1936-1937, 1938-1939, 1940-1941, 1942-1943, 1944-1945, 1946-1947, 1948-1949, 1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 26

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Q. Are you older than your father, or your son? A. Older.

04-10-2000 14:00:00

100° A You are, I am not.

Want to know more? A free

One year later John died in the Cherokee Nation at age 1169.

1. You are on the list of 100; you are on first

And you know that your players are born of the year 1980-81.

Q And lived in the Cherokee Nation all her life just like you?

4. Young father and mother living together more than two years first

Q Have been any separation between them? A No sir.

or that I am.

Q Your father's name is John, is it? A Yes sir.

3- J.E.K.

said she wouldn't go, no matter how close the Commission was, to enroll. She said she didn't want to be enrolled at all. She said she had land in the States and that was enough for her.

Q What did she say about not applying for this youngest child when she had a chance? A

(The above question answered by witness, Abraham Twist, as follows: --- " I applied for her."

Commissioner again questions Abraham Twist, the witness-

Q Your sister Jane comes next to Ike? A Yes sir.

Q How old is Jane? A About 20.

Commissioner Breckinridge-

This will be filed as additional testimony in Case D-757. It appears from the evidence now adduced that the brother, Isaac, of Jane Krigbaum, whose maiden name was Twist, was the youngest one in the family enrolled in 1880, and perhaps this woman Jane was too young to be enrolled at that time; her age being given at this time as only 20. There also appears to be a peculiar version on the part of the mother of this woman to being enrolled, and that may possible account for her not being enrolled in 1880. She is a white woman, and of course her exercise of that peculiarity casts a shadow upon the legitimacy of all her children, who were born after 1880, and she appears to have wholly disregarded the effect of her conduct upon her own offspring; but the brother of this woman, Jane, who testifies in the course of these proceedings, declares that this woman is his full sister, and consequently, there is considerable reason to infer that she is entitled to enrollment since this brother and other children older than herself, who are also a full kin, are identified on the roll of 1880. This will be filed with case D-757, for the further consideration of the applicants of that case.

E. G. Rotheberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 18th day of December, 1900.

E. G. Rotheberger
W. H. McLean

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jane Krigbaum and her minor child, James A. Krigbaum, as citizens
by blood of the Cherokee Nation.

D E C I S I O N.

---00e---

The record in this case shows that on October 30, 1900, Jane Krigbaum appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of herself and her minor child, James A. Krigbaum, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 15, 1900.

The evidence shows that the said Jane Krigbaum, a Cherokee by blood, 20 years of age at the date of this application, is the daughter of John Twist, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880, and Amanda Twist, a white woman. Jane Krigbaum cannot be identified on the Cherokee authenticated tribal roll of 1880, and it is probable that she had not been born at the time said roll was made. The name of her brother, of the full blood, Isaac Twist, two years of age at the time of the making of the authenticated tribal roll of 1880, appears on that roll, as does also the name of her other brother of the full blood, Abraham Twist. The said Jane Krigbaum is identified on the Cherokee Census roll of 1896.

James A. Krigbaum, born August 5, 1900, is the son of Jane Krigbaum and her husband, James E. Krigbaum, who were lawfully married September 24, 1898, and proper proof of his birth has been furnished this Commission.

The evidence further shows that the said Jane Krigbaum was born and reared in the Cherokee Nation and has lived there all her life, and it is considered that her child, James A. Krigbaum, has lived, with his parents, in the Cherokee Nation ever since his birth.

It is, therefore, the opinion of this Commission that Jane Krigbaum and James A. Krigbaum should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this August 10, 1902.

COMMISSIONERS
HENRY L. DAWES
JAMES H. HALEY
THOMAS H. NELSON
C. R. BRIDGEMAN

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 757.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,


Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of Jane Krigbaum for the enrollment of herself and her child, James A. Krigbaum, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,


Acting Chairman.

Enc. C. No. 6.

Jane Kingbaum

et al.

A Original testimony Oct. 30-1900

B Memo. of application Oct 30 1900

C Marriage license and certificate.

D Affidavit of birth-James H. Kingbaum

E Supplemental testimony-Dec 15 1900

F Settle Eric subpoena for Maundy Thurst

G Notice of final consideration, 3/8/02


Sept. 26, 1902 In accordance
with the said order and trans-
ferred to the said 1144



Cher D 758

Cher D 758

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 31 1900



Department of the Interior,
Commission to the Five Civilized Tribes,
Glen Rose, Tex., October 30, 1906.

In answer to the application of Lewis Whirlwind for the enrollment of orphan children, THOMAS, JENNIE, MARIAN and DAVID STEALER as Cherokee citizens; being sworn ~~XXXXXXXXXXXX~~ by Com'r of said office and examined by the Commission, he testified as follows:

- Q What is your name? A Lewis Whirlwind.
Q How old are you? A 36.
Q What is your post-office? A Glen Rose.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q For whom do you now desire to make application? A For Lewis Stealer's four orphan children.
Q What is the name of the oldest child? A Thomas Stealer.
Q What is his age? A 13.
Q What is the name of the next child? A Jennie Stealer.
Q How old? A She is 11.
Q What is the name of the next one? A Marian Stealer.
Q How old? A She is 11.
Q What is the name of the other child? A David Stealer.
Q How old is David? A 8.
Q Are these children all alive and living with you? A Yes sir.
Q Are you their guardian? A I was appointed administrator and I have had them ever since.
Q You were not appointed guardian over them were you? A Yes sir.
Q Their father and mother are both dead? A Yes sir.
Q What was the name of the father of these children? A Lewis Stealer.
Q Was he a Cherokee? A Yes sir.
Q What was the name of their mother? A Sarah Stealer.
Q Was she a Cherokee? A Yes sir.
Q Did the names of the parents of these children appear upon the 1880 roll as Stealers? A Yes sir; - that is Lewis Stealer was.
Q What was their mother's name in 1880? A Blackbird I believe.
Q Are these children all living in the Cherokee Nation now? A Yes sir.
Q What district do they live in? A Coosawescowas.
Q How long have they lived in the Cherokee Nation? A All their lifetime.
Q Have they ever been outside of the Cherokee Nation at any time within the past three years? A No sir, they are going to school at the orphan asylum.
Q Where was Lewis Stealer living in 1880, what district? A Coosawescowas District.
Q Did he ever have any other name besides Lewis? A Not that I know of.
Q 1880 roll examined for Lewis Stealer and name not found;
Q Where was Sarah Blackbird living in 1880? A She was living in Salina.
Q When did Lewis Stealer die? A In 1894.
Q When did his wife die? A In 1897.
Q 1890 roll examined for children's mother and name not found.
1896 roll page 254 #4367 Thomas Stealer Coosawescowas
1896 roll page 254 #4368 Jennie Stealer
1896 roll page 254 #4369 Marian Stealer
1896 roll page 254 #4370 David Stealer
Applicant: Sarah may be on the 1880 roll by the name of Ballou; she has got a child by the name of Ballou.
Q Are these children full-bloods? A Yes sir.

Commissioner: Lewis Whirlwind applies for the enrollment of four minor orphan children; the Commission is unable to identify

Levis Whirlwind for Stealer orphans 2

the parents of these children upon the authentic census roll of 1880; the applicant avers that the children are full-blood Cherokee Indians; they are identified upon the census roll of 1896 as native Cherokees; they will be listed for enrollment as citizens by blood of the Cherokee Nation, but for the reason that their parents cannot be identified upon the authenticated roll of 1880 they will be placed upon what is known as a doubtful card until further proof as to the nativity of their parents is produced.

J. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Green

Subscribed and sworn to before me this 31 day of October 1900.

C. M. Allen

Commissioner.

COMMISSION TO THE CIVILIZED TRIBES

F I L K I D
May 12 1900

A 7/8 8

S U P P L E M E N T A L T E S T I M O N Y .

"D" CARD #758.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 10th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Thomas, Mariah, Jennie and David Stealer as citizens of the Cherokee nation:

LOUIS WHIRLWIND, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Louis Whirlwind.

Q How old are you? A 36 years old.

(Witness appears to supplement the testimony in the application for the enrollment of the above named orphan children.)

Q What is the name of the children? A Thomas, Jennie, Mariah and David Stealer.

Q What proof do you want to make? A I want to prove their mother went by the name of Ballou in 1880.

Q She is enrolled with Rufus Ballou

Q What proof have you got to that effect? A I have George Pumpkin.

GEORGE PUMPKIN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George Pumpkin.

Q How old are you? A 61.

Q What is your post office address? A Chouteau.

Q Do you know Thomas, Jennie, Mariah and David Stealer? A I knew them when they were small.

Q Did you know their father? A No, sir, I knew their mother.

Q Who was their mother? A Sarah Ballou.

Q Was she a Cherokee citizen? A Yes, sir.

Q Full blood? A Yes, sir.

1880 Roll; page 734, #93, Sally Balew, Tahlequah.

Q Do you know of your own knowledge that Sally Ballou was the mother of these children? A Yes, sir.

Q Did she marry a man named Stealer? A That was her first husband, Rufus Ballou.

Q But she afterwards married Louis Stealer? A Yes, sir.

Q Sarah Ballou is dead is not she? A Yes, sir.

Com'r Needles:--This supplementary testimony will be filed in "D" Card No. 758, and is to be perfectly satisfactory as to the nativity of the said children, whose names appear upon said D. Card, and that their names should be taken from the D Card and placed upon a regular card, as there is no doubt as to their parentage and Cherokee blood.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 12th day of November, 1900.

Commissioner

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Thomas Stealer et al.
for enrollment as citizens of the Cherokee Nation.

--o--

On the 30th day of October, 1900, Lewis Whirlwind appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Thomas Stealer, Jennie Stealer, Mariah Stealer, and David Stealer as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the names of Thomas, Jennie, Mariah and David Stealer were placed upon a doubtful card, awaiting identification of their parents upon the 1880 authenticated tribal roll of the Cherokee Nation.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

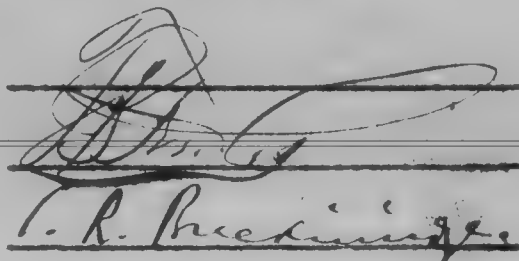
From the evidence of record in this case it appears that Thomas, Jennie, Mariah and David Stealer are minors; that they are duly identified on the 1898 census roll of the Cherokee Nation; that they were born since the preparation of the roll of 1880; that their mother is duly identified upon the 1880 authenticated tribal roll of the Cherokee Nation under the name of Sally Balew. She was a full-blood. They have resided in the Cherokee Nation all their lives.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled

by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Thomas Stealer, Jennie Stealer, Mariah Stealer and David Stealer, being descendants of a person whose name appears upon the 1880 authenticated tribal roll of the Cherokee Nation, are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered.



T. R. Buckner

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NERDIE
R. DRECKENRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D - 758.

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Thomas Stealer et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,



Commissioner in Charge.

Enc. D-758.

Thomas Stealer.

et al.

A Original testimony. Oct 30. 1900.

B Memo. of application. Oct 30. 1900.

C Supplemental testimony. Nov 10. 1900.

Copy

Sept. 20, 1902 Received and
transferred to C. Stealer 19645.

See Cherokee jacket 15149

Cher D 759

Cher D 759

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 31 1900



ACTING CHAIRMAN

R

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 30, 1900.

In the matter of the application of Ella Coon for the enrollment of herself, husband and children as Cherokee citizens being sworn by Commissioner Breckinridge and examined by the Commission she testified as follows:

- Q What is your name? A Ella Coon.
- Q Have you any middle name? A No sir, not that I know of.
- Q What is your age? A 32
- Q What is your post-office address? A Watoba.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q Do you make application for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
- Q Who do you want to have enrolled? A Myself, husband and three children.
- Q What degree of Cherokee blood do you claim? A I don't know.
- Q What district do you reside in? A Cooweescoowee.
- Q How long have you lived in the Cherokee Nation? A Born and raised here so far as I know.
- Q Have you been outside of the Cherokee Nation at any time during the past 3 years? A No sir.
- Q What is the name of your father? A Lewis Bible.
- Q Is he living? A Yes sir.
- Q Is he a Cherokee? A Yes sir.
- Q What is the name of your mother? A Ruth Nicholson was her name.
- Q Is she living? A No sir.
- Q Was she a Cherokee? A Yes sir.
- Q What was your name in 1880? A Wilkerson I suppose.
- Q What district were you enrolled in in 1880? A I don't remember, but my name is on the 1880 roll.
- Q In what district were you enrolled in 1896? A In this District I think.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A William Coon.
- Q How old is he? A About 29 or 30 years old.
- Q Is he living? A Yes sir.
- Q How long has he lived in the Cherokee Nation? A I think he has lived here 15 years.
- Q What is the name of his father? A R.M. Coon.
- Q Is he living? A Yes sir.
- Q What is the name of your husband's mother? A Sophia I believe is his mother's name.
- Q Were your husband's parents ever recognized citizens of the Cherokee Nation? A No sir, they don't claim to be citizens at all.
- Q When were you married? A 8 years ago this fall.
- Q Did you secure a license? A We have a license, we have no certificate.
- Q By whom were you married? A Preacher Jack, he is dead.
- Q Did you secure your license from the Cherokee Tribal authorities? A I suppose.
- Q Where did you get your license? A At Vinita.
- Q Did you get them in the United States Court there? A I suppose so.
- Q Who issued the license to you? A Well I don't know who issued the license.
- Q Have you that license with you? A No sir, I haven't.
- Q Don't you know of your own knowledge whether you received the license from the Cherokee Nation or whether you received it from the United States? A No, I don't.
- Examined by Cher. Rep's Hastings:
- Q Where is your husband now? A He is out in town.

Q Why didn't he come up with you? A He staid to keep the baby, it is so noisy.

Q Hashe lived with you continuously since you married him?

A Yes sir.

Q All the time? A Yes sir, all the time. Of course he don't stay at home all the time, he works away from home a good deal of the time.

Q What at? A He follows a threshing machine.

Q Did he ever go away from your place with another woman since your marriage? A Not to my knowledge.

Q You haven't accused him of it? A Why no, I haven't accused him of it.

Q Hasn't he been away from home some considerable length of time for wh ch he hasn't accounted to you? A I never asked him to give an account.

Q Isn't it generally understood that he went off with another woman while you were living with him? A I didn't knw that he did.

Q You swear you never heard of it? A No, I ~~wouldn't~~ swear it.

Q Did you hear it? A Why no, not particular. I heard first one and another saying first one thing and another.

Q What did you hear? A He was down here at Collinsville and some one told me he had another woman.

Q How long was he gone at Collinsville at that time? A I guess he was there a month or so.

Q Where is your home? A We live up close to Watoba now; we lived then about 10 miles from Clareare.

Q It is about 18 miles from here to Collinsville? A I don't know.

Q What direction did you live from Clareare at that time? A I reckon it must be north-east of here; it's up towards Foyil.

Q You say he was down there about a month, did he come home during that time? A Yes sir.

Q You are living with him now, peacefully as your husband?

A Yes sir.

Q You recognize him as your husband? A Yes sir, I do.

Q You have got no kick coming? A No, no kick coming whatever; a woman aint accountable for what a man does arethey.

Commission:

Q Were you ever married bfore you married your present husband?

A Yessir, I was.

Q What was the name of your first husband? A Leonard Wilkerson

Q When were you married to him? A I expect it has been 20 years ago.

Q Were you married before you were 12 years old? A I was married when I was 16 yearsold, and I am 32 now.

Q How long did you live with him? A About 4 years.

Q Is he a Cherokee or a white man? A Cherokee.

Q Is he living? A I don't know, he was living last account I had of him.

Q Did you secure a divorce from him? A Yes sir.

Q Have you any evidence of that divorce? A I don't know.

Q Where did you secure the divorce? A Tahlequah.

Q At the tribal courts? A I guess so.

Q Was the divorce granted to you or to him? A To him.

Q Upon what grounds? A I don't know.

By Hastings:

Q Leonard Wilkerson alive? A He was last time I heard of him.

Q Were you present when the divorce was ganted? A I was at Tahlequah.

Q Were you up at the court-house? A No sir.

Q Were you represented? A Yes sir.

Q Who represented you? A IvJ.

Q You never went up there. A No, I thought if he was married I was to go ahead and put it.

Commissioner: Q When did that divorce get started? A I couldn't tell you.

Q About how long ago? A About three years after we separated.

Q And you lived with him how long? A Three or four years.

Q Was the divorce from Wilkerson granted before you were married to Coon? A Yes sir.

Commissioner: Q Give me the names of the children for whom you are applying?

A The oldest one is named Alice Coon.

Q How old is she? A She is 7 years old.

Q What is the name of the next child? A Bertha Coon.

Q How old? A She is 5 years old.

Q What is the name of the next child? A Annie Coon.

Q How old is she? A She is 2 years old.

Q Are these children all alive and living with you? A Yes sir.

Q Who is the father of these children? A My present husband.

Q You are the mother of the children? A Yes sir.

Q Have they always lived in the Cherokee Nation? A Yes sir.

1-0 roll page 44 #147 as Ellen White Coon nee Coon, on 1-1-0 of

1896 roll page 123 #860 as Ellen Coon Coon nee Coon

1896 roll excluded for present husband and name not found;

1-0 roll page 123 #861 Alice Coon Coon nee Coon

1896 roll page 123 #862 Bertha Coon Coon nee Coon;

Q Did you make application to the Tribal authorities in 1896

for the enrollment of your husband? A No, I didn't ask particu-

larly; they asked in his name and I told them.

Q What did they tell you? A I don't know exactly what they

told me, whether they told me anything or not.

Q Isn't it a fact that they said they didn't enroll him because

he was married under the laws of the United States instead of

the laws of the Cherokee Nation? A No, I never heard that.

Commissioner: The applicant applies for the enrollment of

herself, her husband and three children; she is identified on the

enrollment roll of 1896 under her maiden name, as a native Cherokee;

and upon the census roll of 1896 under the name of her present

husband; she also appears upon that roll as a native Cherokee;

she has lived in the Cherokee Nation all her life and will be

listed for enrollment by this Commission as a Cherokee citizen by

blood;

Her two older children are identified upon the census roll of

1896 as native Cherokees; their residence has been established

to the satisfaction of the Commission and they will also be enrolled

as native Cherokees; when she files with the Commission properly

executed affidavits as to the birth of the youngest child, it also

will be listed with her as a Cherokee citizen by blood.

She makes application in behalf of her husband, William Coon

a white man; he is not identified upon the census roll of 1896; his

wife, the applicant, was formerly married to one Leonard Wilkerson,

a white man; she avers that she secured a divorce from him but

does not produce any documentary evidence of this fact; she will be

required to file with the Commission a decree of the court granting

divorce from Leonard Wilkerson; she avers that she was

married to her present husband eight years ago, but does not aver

as to whether it was United States law or Cherokee law; he will

therefore be listed for enrollment as an intermarried citizen upon

what is known as a doubtful card, and the applicant will be required

to file either the original or a certified copy of her Cherokee mar-

riage license and affidavits.

Kila Coon et al 4

N.D. GREEN, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly records the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

N.D. Green

Subscribed and sworn to before me this 31 day of October 1900.

C. M. Miller
Commissioner.

RECORDED
INDEXED
OCT 31 1900
U.S. DEPT. OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED

OCT 30 1900

[Handwritten signature]
SPECIAL AGENT IN CHARGE

CHEROKEES BY BLOOD AND ADOPTION.

Name

William Coon

Date

OCT 30 1900

1900.

District

Year

Page

No.

Citizen by blood

no

Mother's citizenship

Intermarried citizen

1/2

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

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Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Cherokee

Many times and certificate is certified
 Copy thereof required

Decree of divorce of wife from
 former husband required


Supl.-C.D.#759.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM COON
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney and an opportunity would be given him to introduce any additional testimony affecting his application. He was especially required to supply the Commission with his Cherokee marriage license and certificate or a certified copy thereof. Also certified copy of the decree of divorce between his wife and former husband, Leonard Wilkerson. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee Representative, present.



J.O.R.

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, ~~as citizens by intermarriage of the Cherokee Nation, of the following named~~ persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thoma E. Bonham	1644
Lucy Eva Simmons	1073	Florence Hendrick	1663
Ellen Thornton	1089	Darv B. Brewer	1700
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dussler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lombard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4440	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaber	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Elin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dikdine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynor	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingsick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Parlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210
Sarah A. Fields	10214
Susie Henderson	10216
Charles H. Rienhardt	10218
William H. Watkins	10221
Frank M. Rucker	10222
Henry C. Reed	10224
Laura B. Timberlake	10226
George A. Brown	10228
Drucilla Lowrey	10232
Almira Mouse	D 9
Lenora Prather	D 16
Andrew M. Cooter	D 17
Martin L. Stokes	D 28
Peter Walters	D 44
Columbus M. Reeves	D 58
Sarah Barnes	D 103
George T. Kiddy	D 108
Henry C. Agent	D 139
Joseph Phipps	D 147
Henry Hilton	D 149
David A. McGlamery	D 161
Maggie Doublehead	D 169
Annie Lovett	D 180
Nora Hood	D 184
John A. Johnson	D 232
Nathaniel G. Simpson	D 242
Oncico W. Head	D 244
Etta Taylor	D 245
Susan V. Sullivan	D 262
Levi H. Tackett	D 263
William H. Connelley	D 264
Julia A. Sullivan	D 284
May Fields	D 297
Katie Hummingbird	D 308
William F. Sager	D 320
Lovick P. Garrison	D 334
Henry Grubb	D 338
Lucy F. Lacey	D 340
Callie Blevins	D 341
James S. Alfrey	D 355
Shadrack C. Wallen	D 368
Ada Hall	D 376
Jane M. Hicks	D 396
Fannie L. Dupree	D 403
Willis Battles, Jr.	D 404
Joshua W. Ellis	D 413
Nina B. Owen	D 450
John M. Ridenour	D 458
Emery S. Thompson	D 464

Joseph Reed	D 468
Adolphus J. Hallum	D 483
Alexander Walker	D 490
Albert J. High	D 491
America Matoy	D 501
Moses L. Grazier	D 503
Myrtle Hall	D 509
Wallace Thursday	D 544
Thomas W. Baker	D 546
Mattie E. Keys	D 550
William S. Edwards	D 560
Susan L. Reed	D 572
William H. Lyman	D 574
Gracin Davis	D 577
Edward C. Bolen	D 582
Dora Guthrie	D 585
Samuel H. Hawkins	D 594
Lula M. Purcell	D 600
Ben Estes	D 603
Thomas M. Reynolds	D 621
Arthur Dodge	D 622
Carrie L. McNair	D 624
Constantine N. Walker	D 641
Joseph Davis	D 648
Leander A. Keys	D 650
James J. Barndollar	D 655
Nathan J. Brink	D 682
William S. Miles	D 688
Emma Waybourn	D 698
Dora E. Rogers	D 708
James W. Turley	D 709
Lizzie Ward	D 711
Robert J. Holly	D 713
Belle I. Quinton	D 728
Francis M. Boothe	D 734
Amos W. Lord	D 746
Agnes N. Childers	D 749
John E. Renfrow	D 752
William Coon	D 759
Louis Bruere	D 779
Georgia A. Waybourn	D 786
Eliza Fields	D 787
William H. Brown	D 788
William A. Cox	D 793
Charles A. Robison	D 799
Artha Williams	D 800
Adam Gearhart	D 806
Cicero F. Rogers	D 855
Annie Garrett	D 856
George S. Yarborough	D 875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silus G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Gunn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeley	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Disie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank E. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Columbus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Erick	D 2774	Bettie Morton	D 2915
Enna Bullington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.


Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 15 1902



COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WILLIAM L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902

Mrs. Ella Coon,

Watova, Indian Territory,

Madam:-

You are hereby notified that the application of William Coon

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your Cherokee marriage license and certificate, or certified copy thereof; also certified copy of decree of divorce from your former husband Leonard Wilkerson.

Cherokee D-759
Register.

Yours truly,

~~XXXXXXXXXXXX~~
Acting Chairman.

Commissioner in Charge.

Muskogee, Indian Territory, May 31, 1902.

Mr. William Coon,

Watauga, Indian Territory.

Sir:

You have neglected to supply the Commission with your Cherokee marriage license and certificate of your marriage to your wife, Ella Coon, or certified copies thereof, and with a certified copy of the decree of divorce of your wife, Ella Coon, from her former husband, Leonard Wilkerson. These documents are very important in the further consideration of the matter of the application for your enrollment as a citizen of the Cherokee Nation. If the certified copy of decree of divorce of your wife, Ella Coon, from her former husband, Leonard Wilkerson, cannot be obtained it will be necessary for you to submit further evidence showing that she obtained a divorce before her marriage to you or that Leonard Wilkerson was dead before she married you.

You will be given sixteen days from the date of this letter within which to furnish the required evidence.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee D 789
Register.

COPY

Cherokee D-729.

Muskogee, Indian Territory, March 16, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, granting the application for the enrollment of Thomas T. Fletcher as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-139.

(SIGNED) *Tams Dixby.*
Chairman.

Cherokee No.
D. 759

Muskegee, Indian Territory, January 10, 1907.

William Coon,
Watova, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D 759

Muskogee, Indian Territory, March 14, 1907.

William Coon,

Watoa, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, rejecting the application for your enrollment as a
citizen by intermarriage of the Cherokee Nation, was affirmed
by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskegee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.

1. The first of these is the
fact that the law of
the land is the law of the
people.

2. The second is the fact
that the law of the land
is the law of the people.
3. The third is the fact
that the law of the land
is the law of the people.

850

Nov 20/00

Henry Barnett

Chelsea Wood

Self Ex ~~mas~~

mar

(wife Julia E) & child

step daughter mother R Carpenter

Self listed

Mar 11/02 Muskogee -

He alleges to have been formerly married
to John Carpenter in 95, & that mother

R was the issue of that marriage.

no proof of marriage -

Aug 31/98 to Henry Barnett a change of
Sharon Wood

Wood

Husband and his life

write

William Coon.

Original Testimony. Oct 30/0
memo. of application

Notice of final consideration 3/8/0

Order closing testimony 3/8/0

239

See Exhibit 5151

Cher D 760

Cher D 760

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 30, 1900.

In the matter of the application of Charles F. McGinnis for the enrollment of himself as a Cherokee by intermarriage, and his children as Cherokees by blood: being sworn and examined by Commissioner Brockbridge, he testified as follows:

Q Give us your full name? A Charles F. McGinnis.
Q How old are you? A I was born in 1841, I am 59 I reckon.
Q What is your post office? A Turley.
Q Do you live in Cowessawnee district? A Yes, sir.
Q Do you want to enroll yourself and family? A Yes, sir.
Q You have a wife, have you? A No, sir, my wife has been dead about ten or eleven years.
Q How many children have you? A I have three I want to enroll.
Q Are you a Cherokee by blood? A No, sir.
Q A white man? A Yes, sir, a white man.
Q Have you your marriage license and certificate? A Yes, sir.
Q When you married before 1880? A I was married in 1878 I think it was.
Q Well, you are on the roll of 1880, aren't you? A Yes, sir.
Q How do the name of the woman you married? A She was a widow who I married her, her maiden name was Hayes; she married in England.
Q What was her given name? A Sarah England.
Q Was she a Cherokee woman? A Yes, sir.
Q How long did she live? A Yes, sir.
Q When did she die? A She died in 1888.
Q Did you live with her now from the time you married her until she died? A Yes, sir.
Q Never separated at all? A No, sir, never separated, we always got along fine, you see.
Q How you married a now are dead? A No, sir.
Q How give us the names of your children? A William T. McGinnis.
Q How old is that child? A He was born in 1880.
Q The next child? A Elizabeth Charlotte McGinnis, about 17 years old.
Q Now the next child? A Cleveland G., 15 years old.
Q These children are all living now, are they? A Yes, sir.
(Charles F. McGinnis on 1880 roll, page 280, No. 1787, Charley McGinnis, Adopted white, Delaware district, Sarah McGinnis on 1880 roll, page 280, No. 1788, Sarah M. McGinnis, Delaware district, William T. McGinnis on 1880 roll, page 280, No. 1789, William F. McGinnis, Delaware district.)
A My name wasn't on that roll of 1880, I didn't have my certificate; I enrolled the children at Delaware.
(William T. McGinnis on 1886 roll, page 205, No. 3003, Cowessawnee district, Elizabeth G. McGinnis on 1886 roll, page 205, No. 3004, Elizabeth McGinnis, Cowessawnee district, Cleveland G. McGinnis on 1886 roll, page 205, No. 3003, Chas. G. McGinnis, Cowessawnee dist.)

The applicant applies for the enrollment of himself and three children. He is identified on the roll of 1880 as an adopted white. His Cherokee wife, with whom he is there identified, is said to have died in 1888. He lived with her until the time of her death, and has lived in the Cherokee Nation ever since 1880. He states that he has not remarried since the death of that wife. He is not identified on the roll of 1880. He states that he was refused enrollment by an incompetent census taker because he didn't have his marriage license with him at the time, though his identification on the roll of 1880 should have been sufficient. He will now be listed upon a white card to await personal testimony to the effect that he has not married since the death of his Cherokee wife. His three children are identified on the roll of 1880, they are living now, and will be listed for enroll-

Charles F. McGinnis - 8.

went as Cherokee witness by blood.

Braden S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Braden S. Jones

Sworn to and subscribed before me this 1st day of October, 1900.

Chas. F. McGinnis

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ASST. SECRETARY

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[The body of the document contains several paragraphs of text that are extremely faint and largely illegible due to the quality of the scan. The text appears to be a formal report or correspondence, possibly detailing the activities of the Commission to the Five Civilized Tribes.]

S U P P L E M E N T A L T E S T I M O N Y .

D Card #760.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 1st, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Charles F. McGinnis for enrollment as a citizen of the Cherokee
Nation:

GEORGE W. ENGLAND, being sworn and examined by Commis-
sioner Breckinridge, testified as follows:

- Q What is your full name? A George W. England.
Q How old are you? A I am 25 years old.
Q What is your post office? A Turley, I.T.
Q You live in Cooweescoowee district, do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Mr. McGinnis here, Charles F. McGinnis? A Yes, sir.
Q How long have you known him? A Known him 20 years, all my life
might say.
Q Have you been living a neighbor to him for the last 20 years?
A Yes, sir.
Q Are you old enough to remember his wife? A Yes, sir.
Q What was her name? A Sarah.
Q When did she die? A She died in the Spring of '90.
Q Has he ever married since then? A No, sir.
Q Who has he lived with since then? A Lived with his children on
the old place.
Q How many children has he got? A Three.
Q How many are sons? A Two of them.
Q How old is his daughter? A She was born about '83 I think.
Q He just lives at the same home where he lived when his wife liv-
ed with him? A He has moved a time or two.
Q Just lived with his children? A Just lived with his children.
Q Has any woman been living there with him? A No sir.
Q No wife? A No, sir.
Q Just he and his family living together themselves? A Yes, sir,
him and his children.
Q You know positively of your own personal knowledge that he has
never taken up with any woman in any manner since his wife's death?
A Yes, sir.
Q You and your family lived on the place some? A Yes, sir. I have
been around close to him.
Q No woman except your wife? A That is all.

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings of the above named witness
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 1st day of November, 1900.

J. O. Rosson

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 20, 1902.

In the matter of the application of CHARLES F. MCGINNIS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

CHARLES F. MCGINNIS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Charles F. McGinnis.
Q What is your age at this time ? A Sixty one.
Q What is your post office address ? A Turley.
Q Are you the same Charles F. McGinnis that applied to the Commission for enrollment as an intermarried citizen in October, 1900 ? A Yes sir.
Q What is your wife's name ? A Sarah.
Q Is she living at this time ? A No sir, she's been dead about twelve years.
Q Was she a citizen by blood of the Cherokee Nation ? A Yes sir.
Q When were you married to your wife Sarah ? A In 1879, January 16th, I believe.
Q Do you appear on the 1880 roll with her ? A Yes sir.
Q Did you and your wife Sarah live together from 1880 as husband and wife up till her death ? A Yes sir.
Q Never were separated ? A Never was.
Q Have you married since her death ? A No sir.
Q You have never been married to any other woman since 1880 ? A No sir.
Q You were still a widower and a single man on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation since 1880 up to the present time ? A Yes sir.
Q You never have lived out of the Cherokee Nation since that date ? A No sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 22, 1902.

E. C. Bagwell
Notary Public.

Cherokee D-760.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of
Charles F. McGinnis as a citizen by intermarriage of the Cherokee Nation.

|| || || || || || || ||

DECISION.

--:-:--

The record in this case shows that on October 30, 1900, Charles F. McGinnis appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 1, 1900, and at Muskogee, Indian Territory, on October 20, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

Charles F. McGinnis is identified on the 1880 Authenticated Tribal Roll of the Cherokee Nation as an intermarried white. His Cherokee wife, Sarah McGinnis, is also identified on that roll.

The evidence further shows that said Charles F. McGinnis resided in the Cherokee Nation with his said wife from the time of his marriage to her until her death in 1889, and continued to reside therein, and had not remarried, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Charles F. McGinnis should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

J. C. ...
Acting Chairman.

SIGNED

T. D. ...
Commissioner.

J. R. ...

Commissioner.

Dated at Muskogee, Indian Territory,

this

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS IN REPLY TO THE FOLLOWING.

Cherokee D-760.

ADDRES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, ~~granting the application of Charles F. McGinnis for the enrollment~~ of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-2.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS
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ACTING SECRETARY

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 31, 1900.

In the matter of the application of Robert H. Crow for the enrollment of himself wife and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge and examined by the Commission he testified as follows:

Q What is your name? A Robert H. Crow.
Q How old are you? A I will be 30 years old next April.
Q What is your post-office address? A My post-office address would be Chelsea.
Q Do you make application for enrollment as a citizen by blood?
A Yes sir, - that is not myself, I am adopted, citizen, my wife is a citizen.
Q Do you make application for yourself? A Yes sir.
Q Yourself and wife, and who else? A And baby.
Q You are a citizen by intermarriage and your wife is a citizen by blood? A Yes sir.
Q What district are you living in? A I have been living in Missouri temporarily, I am a railroad man.
Q In what district are you living now? A Coconescoowee.
Q How long have you made your residence in the Cherokee Nation?
A It has been off and on at times I have been here since I was a citizen; 1891 is the time I was married.
Q How long since 1891 have you resided continuously in the Cherokee Nation? A I haven't resided continuously in the Cherokee Nation since that time; I come back here at intervals two or three times a year to see about my place.
Q How long would you stay after you came back here? A About 30 days at a time.
Q Where were you living in June 1899? A I was living at Irwin, Missouri.
Q Did you have a home there at that time? A No sir.
Q Were you keeping house there? A Yes; I didn't own any property.
Q You had all your household effects there though? A Yes sir.
Q Did you own any property in the Cherokee Nation? A Yes sir, I owned a farm up here at Chelsea and I owned a town lot up here at Pryor Creek.
Q Did you receive any revenue from your farms? A Yes sir, rent of the corn and revenue on hay and stock.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Laura E. Crow.
Q Is she living? A Yes sir.
Q How old is she? A She is 33 or 34 years old.
Q Is she a Cherokee citizen by blood? A Yes sir.
Q What degree of Cherokee blood does she claim? A Its either a quarter or 16th I don't know which.
Q What was the name of her father? A John Choate.
Q Is he living? A No sir.
Q Was he a Cherokee by blood? A Yes sir.
Q What is the name of her mother? A Belle Choate.
Q Is she living? A No sir.
Q Was she a Cherokee by blood? A Yes sir.
Q What is the name of your father? A My father was named John Crow.
Q Is he living or dead? A He is dead.
Q What is the name of your mother? A Mrs. S.R. Blackwood.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A No sir.
Q Were your parents ever recognized as citizens of the Cherokee Nation? A No sir.
Q Give me the names of your children? A Anabel Crow.
Q How old is this child? A She will be two years old 22nd

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day of this month.

Q Is this child liv and living with you at this time?

A Yes sir.

Q You are the father of the child and your present wife is the mother? A Yes sir.

Q How long has your wife resided in the Cherokee Nation, was she born and raised here? A No sir, she was born and raised in Color do; she is a sister of John and Ruth Choate of Pryor Creek.

Q How old was she when she came to the Cherokee Nation? A She was about 25 years old I guess. She was here about 2 years before she was married.

Where were you living at the time of your marriage? A Chelsea. Were you married in accordance with the laws and customs of the Cherokee Nation? A Yes sir.

Q Have you any evidence of that fact? A Yes sir. (Produces

Commission. The applicant presents a Cherokee marriage license authorizing marriage of R. H. Crow a citizen of the United States to Miss Laura E. Choate, a citizen of the Cherokee Nation, issued on the 11th day of September 1891, by H. H. Trot, Clerk of Cooweescoowee District; and a certificate showing that said marriage was performed by E. S. Lamar, Minister of the Gospel, on the 16th day of September 1891; license has been duly recorded, and will be filed herewith.

Q How long did you live in the Cherokee Nation after your marriage? A I didn't live here but a short time, about thirty days after I was married, and I went out to railroading, - Arkansas and Iron Mountain.

Q And since that time you have been away from the Cherokee Nation most of the time; you have returned here at intervals simply for the purpose of transacting business? A Yes sir, on an average of three times a year; my wife sometimes came down when I couldn't come; came down to visit and see about my place.

Q Did you ever exercise the right of suffrage after you were married in accordance with the laws and customs of the Cherokee Nation in the United States? A Yes sir, the only vote I ever took part in was 1896, - Presidential election.

Q Did you vote at the state or congressional elections in 1893? A Yes sir.

Q Do you own property in the state of Missouri? A No sir.

Q Do you own property outside of the Cherokee Nation? A No sir. I don't own property anywhere outside of the Cherokee Nation.

Q Does your wife's name appear upon the authenticated roll of 1890? A Well that's my understanding; her brothers tell me so.

Q Was she ever admitted or readmitted to citizenship in the Cherokee Nation by an act of the National Council? A I think she was.

Q Have you any evidence of that fact? A I wasn't there when she registered, but I understand she registered as a doubtful citizen.

Q When was that, in 1896? A Yes sir.

Q Did your wife ever go before the Cherokee National Council and make application for readmission to citizenship in the Cherokee Nation after she came back from California? A I guess so, I really don't know.

Q You haven't any evidence of that fact? A No sir. Possibly she died, before we were married; I couldn't say.

Q Were you ever married before you married your present wife? A No sir.

Q Was she? A No sir.

Q You have lived with her continuously since that time? A Yes sir.

1896 roll page 269 #221 Robert H. Crow Cooweescoowee int married white

1896 roll page 139 #1209 Laura E. Crow Cooweescoowee native Cher

1894 roll page 167 #1126 Laura E. Crow Cooweescoowee;

Commission. The applicant applies for the enrollment of himself, wife and one child; he is identified upon the census roll of 1896 as an adopted white; he produces satisfactory evidence as to his marriage in accordance with the laws and customs of the Cherokee Nation on the 16th day of September 1891 to one Laura E. Choate, a citizen of the Cherokee Nation; he avers that he remained in the Cherokee Nation only about thirty days after his marriage and then went to the States, where he has been engaged since in railroading; it appears that since his marriage in 1891 he has not made his actual residence in the Cherokee Nation, but has lived all of that time in the States; he returned at intervals to the Cherokee Nation, remaining ~~xxx~~ perhaps thirty days at a time, for the purpose of transacting business; he also avers that he was living in the state of Missouri June 1898, and attention is called to section 21 of the act of Congress approved June 28th 1898, which reads as follows: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." This section of the Curtis ~~Bill~~ Act provides equally for his wife and child. The applicant also avers that he has exercised the right of suffrage on two separate occasions in the State of Missouri, to-wit: in 1896 and in 1898. He will be listed by this Commission on what is known as a doubtful card, as a Cherokee citizen by intermarriage.

He avers that his wife was admitted to citizenship by ~~xxx~~ an act of the Cherokee Commission, but produces no satisfactory evidence as to that effect; her name however, appears upon the printed list of persons admitted and readmitted to Cherokee citizenship by the National Council and commissions on citizenship in the year 1890, and since that time; she ~~xxx~~ appears as Laura Etta Choate 21 years of age, female, readmitted by the Court July 4th 1898; he will be required to file with the Commission ~~xxxxxxx~~ certified act of the court re-admitting her to citizenship at that time; she is identified upon the census roll of 1896 as a native Cherokee; she was married to her husband in the year 1891 and since that time has made her home with him. She has returned to the Cherokee Nation only ~~in~~ at intervals for the purpose of visiting or transacting business, since the year 1891, and has made her home continuously in the States since that time. She will be listed for enrollment by this Commission as a citizen by blood upon what is known as a doubtful card.

As to the application which he makes in behalf of his daughter; this child is not identified upon the census roll of 1896, having been born since said roll was compiled; when he files satisfactory proof as to the birth of this child in the form of affidavits it also will be listed for enrollment with its mother on a doubtful card as a Cherokee citizen by blood. When the final judgment is rendered in this case the applicant will be notified in writing at his present post-office address.

J. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 31 day of October 1900.

[Signature]

Commissioner.

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1. The first step in the process of the investigation is the identification of the subject. This is done by the use of the following information:

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Section 101, Chapter 1001

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to the fact that the only way to get the most out of the machine is to use it in the way it was designed to be used. The only way to get the most out of the machine is to use it in the way it was designed to be used.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT H. CROW as a citizen of the Cherokee Nation, introduced on
part of applicant:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 8th day of March, 1902, appears in person and by his Agent, J. R. Sequichie.

Mr. J. C. Starr, Cherokee representative, present.

ROBERT H. CROW, the applicant, being duly sworn, testified as follows in his own behalf:

MR. SEQUICHIE:

- Q What is your name? A Robert H. Crow.
Q Your age? A 32 years, will be in April.
Q Your post office? A Cherryvale, Kansas.
Q Mr. Crow, you applied for enrollment on the 31 day of October, 1900? A Yes, sir.
Q And placed on a doubtful card were you when you enrolled?
A Yes, sir.
Q Where was your post office at that time? A Chelsea, Indian Territory.
Q Have you resided at one place continuously since that time?
A No, sir, not continuously, I have not.
Q What is your occupation? A I am a railroad operator and Agent, telegraph operator and ~~spark~~ Agent.
Q You temporarily resided out of the Cherokee Nation on account of your duties? A Yes, sir, my profession as a railroad operator.
Q You never had any permanent citizenship in any other state or Territory outside of the Cherokee Nation? A No, sir.
Q That is, since your marriage? A No, sir.
Q And at this time is now engaged in that business, your profession? A Yes, sir.

MR. STARR:

- Q Did you ever live in the Cherokee Nation and make it your home? A Yes, sir.
Q How long at a time? A That is, since I was married?
Q Yes, sir. A I was married in 1891, September 1891, and I lived in this Territory until sometime, early part of 1892, and I went to Arkansas on the Iron Mountain and took a job down there and returned to the Indian Territory and resided up here at Adair about six months, I don't know just how long.
Q Is it not a fact that you returned about 30 days after you married in 1891 and left? A Yes; I was when I married the agent at Chelsea and I lost my job there and of course I went out of the State and went over to the Iron Mountain and went over to Arkansas.
Q What place in Arkansas did you stay? A Palarm and Marche.
Q How long did you stay at those two places? A I stayed at Palarm about three weeks and went to Marche and stayed there until about the middle of February.
Q What year? A 1892.
Q Where did you go from there? A I came back to Chelsea.

Q How long did you stay at Chelsea? A I went over to Adair and lived there, I believe if I remember correct, I was in business at Adair in the early part of ; I was trying to figure out the date; if I remember correctly it was in the first six months of 1892, I was in business there.

Q Where did you go from Adair? A I left my folks at Chelsea and went to Missouri and secured employment with the Missouri Pacific.

Q At what town? A At Corning, Kansas.

Q How long did you stay at Corning, Kansas? A About 30 days.

Q And then where did you go? A I come to Rich Hill, Missouri.

Q How long did you stay there? A I stayed there about a month.

Q And then where did you go? A I went from there to Irwin, Missouri, and I worked there 30 days as relief Agent in the year 1892.

Q Where have you lived since then? A I have lived; I lived at different places; Butler Missouri, and I have lived out afterwards; Irwin, resided there three years and come back to over at Chelsea, our folks lived there, wife and people.

Q Where are you living now? A Cherryvale, Kansas.

Q Your wife and children been living at all these rounds?

A No, not all of these rounds. When I was in Missouri and Corning, Kansas, and Irwin and Rich Hill, she was then at Chelsea. I was at Chelsea, part of the time Pryor Creek.

Q Did your wife stay with you three years at Irwin, Missouri?

A Yes, sir.

Q She is living with you at Cherryvale, now? A Yes, sir, working for the Santa Fe.

COMMISSION:

Q When was the last time you worked in the Indian Territory?

A I worked at Sapulpa last January was a year ago.

Q Where were you actually residing in June 28, 1898? That is four years ago next June? A Well, now, I will tell you; I left Irwin last August was a year ago.

Q August, 1900 A Yes, sir, I lived there three years prior to that.

Q Do you own any property in the Cherokee Nation? A Yes, sir.

Q How long have you been in possession of the property? A Well, let's see; just while after the strip payment; I can't give the exact date; I bought the property.

Q What does that property consist of? A Improvements, farm.

Q Did you derive any revenues from the farm? A Yes, sir; I have derived rents from it.

Q Where is the farm located? A Over at Chelsea on Pryor creek.

Q Is that farm in your possession now? A Yes, sir.

Q Has it been in your possession all the time? A Yes, sir.

Q What was the longest time you have ever resided in the Cherokee Nation since you marriage, at any one time? A Well, that was when I was at Adair.

Q How long did you reside there? A I presume it was something over six months; I was there in business there.

Q Have you voted since you were married? A You mean in the Cherokee Nation?

Q Yes. A Yes, sir; it was when I was in the Cherokee Nation at that time.

Q Have you voted in any of the State elections; did you ever vote while you were in Missouri? A Yes, sir, I voted once during President McKinley's election.

Q In 1896? A Yes, sir.

Q That was after your marriage? A Yes, sir, voted for President McKinley. That is the only time I ever voted.

Q Now, as a matter of fact you haven't had any home in the Cherokee

Nation since 1898, have you; you haven't established any home in the Cherokee Nation since that time? A Not in the Cherokee Nation; no, sir.

Q Nor in the Indian Territory? A Well, my wife and child lived in the Territory; I have been alone when I was out at work.

Q How long? A Well from, it was when we left Irwin we come to Chelsea, that was in August; no, I believe it was in October.

Q 1900? A 1900, yes, sir and my wife and child stayed at Childsea there until March sometime in March, 1901.

Q She was staying with her people? A Yes, sir; making her home with my wife's sister.

Q You were out working at that time A Yes, sir.

Q Outside of the Nation? A Yes, sir.

MR. STARR:

Q What were you doing at Adair during the time you came over and stayed there? A I was in the Mercantile business, that is general merchandise.

Q How long did you live there? A About six months is the best I can state it.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings and testimony had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

Supl-C.D.#861.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of HENRY C. REED
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter.

Mr. W. W. Hastings, Cherokee Representative: Comes now the representative of the Cherokee Nation and moves for a continuance of the above case until the 19th day of March, in order to ~~give~~ get a witness and prove that the said applicant, Henry C. Reed, abandoned his wife, and will state in this connection that they have had subpoenas issued for witnesses in this case but as yet have been unable to get them.

Commission: The request of the Cherokee Nation will be complied with, and case continued until the 19th day of March, 1902.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert H. Crow for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laura E. Crow, and his minor child, Anabel Crow, as citizens by blood of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on October 31, 1900, Robert H. Crow appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laura E. Crow, and his minor child, Anabel Crow, as citizens by blood, of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902.

The evidence shows that the said Robert H. Crow, a white man, was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on September 16, 1891, to Laura E. Cheate, a Cherokee by blood, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on July 4, 1888. The said Robert H. Crow and his wife, Laura E. Crow, are identified on the Cherokee Census roll of 1896. Anabel Crow, the child of Robert H. Crow and his wife, Laura E. Crow, was born November 23, 1898, and proper proof of her birth has been furnished this Commission.

The evidence further shows that Laura E. Crow, the wife of Robert H. Crow, was not born or reared in the Cherokee Nation and that neither she nor her husband has ever removed to and in good faith settled in the Cherokee Nation, or in the Indian Territory. The child, Anabel Crow, was born in Missouri and has been living with her parents.

Paragraph 9 of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship:"

It is, therefore, the opinion of this Commission that the application for the enrollment of Robert H. Crow as a citizen by intermarriage, and for the enrollment of Laura E. Crow and Anabel Crow as citizens by blood, of the Cherokee Nation, should be denied and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this _____ 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert H. Crow as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 31, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Robert H. Crow as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902. The records further show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicant's right to enrollment as a citizen by intermarriage of the Cherokee Nation; said decision was duly affirmed by the Department on September 25, 1902. Thereafter, on March 12, 1903, a motion to review this case was filed, and on May 2, 1903 (Departmental letter I. T. D. 4995-1902, 2669-1903 and 3444-1903), said motion was granted and the case was remanded for further proceedings and readjudication.

Further proceedings in said matter were had at Muskogee, Indian Territory on December 3, 1903.

THE EVIDENCE IN THIS CASE SHOWS; That the applicant herein, Robert H. Crow, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such rights as he may have acquired by virtue of his marriage on December 16, 1891, to his wife Laura E. Crow, who is identified on Cherokee Census Roll of 1896, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 32717.

It further appears that the said Laura E. Crow was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on July 4, 1888.

In view of the foregoing, it is considered that the applicant Robert H. Crow did not marry in accordance with Cherokee law, a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Robert H. Crow, is not entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

SIGNED *Tams Bixby.*
Commissioner.

Dated at Muskogee, Indian Territory

this FFB 23 1907.

In re
application of Robert H.
Crow, his wife and child,
for enrollment as Cherokee
citizens.

STATE OF OKLAHOMA OF AMERICAN INDIANS.

Statement of Facts.

The following facts, material to the decision of this case, have been found by the decision of the Dawes Commission, or are in evidence without contradiction:

Laura M. Choate was in the Cherokee Nation in July, 1868, when she was lawfully admitted to citizenship as a Cherokee by blood. She evidently resided there from that time until September 16, 1891, (more than ^{five} ~~two~~ years) when she was lawfully married to Robert H. Crow, a white man, in accordance with Cherokee law. After marriage they remained at Chelsea until early in 1892 (five or six months) when the husband, leaving his wife at Chelsea, was sent by his employer, a railway company, to Palaru, Arkansas, for three weeks; then to Marcho, Arkansas, for about a month when he left his employment and came back to Chelsea, Indian Territory, for six months, during all of which time his wife continued to stay in the Cherokee Nation.

The husband at the expiration of the six months again took employment with a railway company and was sent to Corning, Kansas, for thirty days; to Rich Hill, Missouri, for thirty days; to Irwin, Missouri, for thirty days and from there to Butler, Missouri, for a short time. He was evidently an "extra" man sent from place to place to take the place of regular employees while they were temporarily absent on leave. He was also for short periods at Iryor Creek, Indian Territory, and at Sapulpa, Indian Territory. During all of this

time and until 1897 his wife remained at Chelsea, Indian Territory, never having left the Cherokee Nation, so far as the evidence discloses, since going there; therefore, she must have lived in the Cherokee Nation from some time prior to July, 1868, to August, 1897, or for more than nine years, continuously, without ever having been outside its borders for a single instant.

Next we find that in the latter part of 1897, or to be exact, three years before August, 1900, the husband was sent to Irwin, Missouri, by his employer and was continued there (from month to month as everyone knows, though the record is silent as to that) until August, 1897, when he was sent back to Chelsea, Indian Territory, where he remained until sent again by his employer to Cherryvale, Kansas. The wife was in the Cherokee Nation all the time excepting only while he was at Irwin and at Cherryvale when she was with him.

During all of the time he was at Irwin and Cherryvale he owned an improved farm in the Cherokee Nation and still owns it.

His and his wife's names appear on the Census roll of 1890 as citizens of the Cherokee Nation, and he voted in the Nation at Adair, Indian Territory. He also voted in Missouri.

Proper proof of the birth of a child to this couple outside of the Cherokee Nation is in evidence.

The applications of all three are rejected by the Dawes Commission under paragraph 9 Section 21 of the Act of June 28, 1896, which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

argument.

We would ask that the rights of these applicants be considered separately, and first the wife:

Better evidence should not be reasonably required than has been produced that Laura E. Crow did remove to and in good faith settle in the Cherokee Nation. She went there in 1888 and lived there continuously with her people for over nine years without ever having been outside its boundaries for a single instant. If this be not settling, what is required? If nine years is not sufficient, then is ten? If not ten then what is, and where does the Dawes Commission get its rule?

It will be noted that the Dawes Commission is limited to an investigation of the rolls. Laura E. Crow is properly on the roll in 1888 and she can be rejected only by positive testimony that she did not remove to and did not in good faith settle in the Nation.

There is no question of her removal. She did remove. Then the only question is did she "in good faith settle"? We leave this point with ^{the} statement, believed to be incontrovertible that more than nine years continuous residence shows good faith and a settlement. If not, how long does it take a person to "settle" in the Cherokee Nation? Is there no presumption of good faith in this class of cases? Are these cases different from all other transactions in life? In every other case, in every court, in every nation on earth, good faith is presumed and the burden is upon those asserting its absence to establish it. We here and now undertake to establish this with an authority under any jurisdiction to which authorities are accessible to persons in the District of Columbia if properly requested so to do.

This brings us up to the time when she went to Irwin, Missouri, to be with her husband and we will consider first

the effect of her so doing upon the question of her settlement in the Nation. If she had gone to the Nation with the purpose then in mind of marrying Crow and living permanently in Missouri, then there might be some force in an argument that her going to Missouri relates back to her coming to the Nation; but notice how far short of proof of any such thing the facts fall. There is no evidence that in 1888 she knew Crow. When she was married he was at Chelsea, Indian Territory. Later he was in Tularum, Maricopa, back at Chelsea, then Corning, Butler, Rich Hill, Irwin, Pryor Creek, Sapulpa and Adair before she went to him at Irwin. He quit his avocation and engaged in another. All of these things intervene to destroy any idea of intention on her part to ever leave the Nation when she went there.

Next we beg to consider the effect of her having gone to Missouri and first call attention to the fact that the only requirement of the law is that a person must have in good faith settled in the nation and there is nowhere any penalty provided for subsequently having left the nation. May she not have settled in the nation and later, when marriage changed the whole course of her life and brought with it new duties, changed her place of eating and sleeping to one outside the nation, without being convicted of bad faith when she removed to the nation nine years before?

Next, let us consider the law as to what is the effect of this wife's removal beyond the nation with her husband. The Act of Congress of February 8, 1887, and of March 3, 1901, expressly recognizes her right to ^{retain} her citizenship rights in the Cherokee Nation although she may have removed permanently from the nation. The Act of June 28, 1898, (under which the Commission is acting) must be construed with those acts in such a manner as to give effect to all the provisions of all the Acts. "All acts of the legislature should be so construed, if practicable, that one section will not defeat or destroy

another, but explain and support it", *Bernier vs. Bernier*, 147 U. S., 246, middle of page.

Nowhere, therefore, has Congress said that an Indian removing from the nation will forfeit his rights, but on the contrary Congress has said he shall not. The provision of the Cherokee Constitution does not cover the case because the applicants' improvements on and rights in a farm was left in the nation and the Commission has not rejected and could not reject them on that ground.

We submit, therefore, that Laura W. Crow did in good faith remove in 1888 to the Cherokee Nation and did in good faith settle in that Nation as evidenced by more than nine years continuous residence there; that she has since done no act which, under any law, deprives her of the right and should, therefore, be enrolled.

The Husband:

The Dawes Commission is directed in Section 21, Act of June 28, 1898, to enroll certain persons (of whom we have above shown this applicant's wife to be one) "with such inter-married white persons as may be entitled to citizenship under Cherokee laws". The applicant is legally married and under Cherokee laws is entitled to enrollment.

(Though he may have left the nation and have voted he did not remove all his effects. -- Cherokee Constitution).

The only question is did he in good faith remove to and settle in the nation? The evidence begins with him living at Chelsea, Indian Territory, (Cherokee Nation) in 1891. How long he had been living there is shown only by the evidence that it was long enough to win Miss Choate's promise to be his wife and during that period between promise and fulfillment, which it must be conceded, is rather indefinite. There would seem to be no rule laid down in such cases upon which we may estimate the time; but every married man who

reads this will concede to the applicant the fact that some
time is required.

After his marriage he remained at Chelsea for several months and from that time until 1897, or for six years, he had no other home. He purchased a farm in 1894, which he still owns, and his wife remained at Chelsea, which place he no doubt considered in good faith as his home. During that time, from 1891 to 1897, he was employed by a railway company and the evidence shows was temporarily at a number of places, with the exception of six months, (when he was in business for himself) when he lived with his wife at Chelsea.

We submit that the facts, showing that he made his home for six years in the nation, are sufficient to show good faith and a settlement.

The Child:

The child ~~Kingston~~ claims through its mother. The mother having been properly placed on the rolls in 1886 and being properly on the Roll of 1896, it is the duty of the Commission to accept the child as a descendant of the mother born since the rolls were made.

The reasons assigned for refusing to obey this plain mandate of the law are:

1. It was not born in the Cherokee Nation.
2. It has not removed to and in good faith settled in the Cherokee Nation.

It is difficult to consider these reasons as the deliberate, serious product of a real tribunal passing on valuable property rights.

As to the first reason, it is dismissed with the unquestionable statement that there is no law or custom depriving the child or adult of the right to enrollment because of its place of birth being without the nation. On the con-

trary thousands have been enrolled by the Commission who were born elsewhere. The law says the Commission shall enroll "descendants born since such rolls were made" and by what right does the Commission assume the authority to require birth elsewhere in the nation. If the child is a descendant born since the date of a roll on which its ancestor's name appears, the requirement of the act is satisfied. Are we to go further?

As to the second reason, the requirement that a child shall remove to and in good faith settle in the nation is so absurd that we fear to follow the reasons to its logical results lest we be charged with levity in so serious a matter. Disclaiming any such intention, the results are:

1. A baby must first select its place of birth and if it errs in that, it must
2. Leave its mother's arms and forthwith remove to and in good faith settle in the Cherokee Nation, else its birth right is forfeit. This child is two years old only, yet it should, at birth, have jumped from its mother's bosom, removed to the Cherokee Nation and become a settler in good faith, taking its part in taming the wild-erness, building, plowing the sod, reaping and sowing as settlers do.

Any such construction of the act of Congress pre-supposes a marvellous Congressional conception of the Indian and a belief in a breed ^{of} most remarkable Indian babies.

Again, supposing this child had left Missouri at birth and removed to the nation, time enough has not elapsed for its settlement to have ripened into good faith, under the rule in its mother's case where nine years were held to be insufficient. The child not only made the mistake of being born in the wrong place and of failing to remove to the right place, but it selected a time for its birth which was at least seven years too late. We don't know how much more.

That paragraph 9 needs construction is apparent when applied to the case of any person, adult or infant, who has never resided outside of the Indian Territory. A literal construction of the language used by Congress would deprive all such persons of the right of enrollment for the reason that they have not "removed to" the Territory.

We deem it so obvious that the word "person", as used in paragraph 9 of Section 21, does not refer to minor children, that authorities upon the subject are perhaps unnecessary; however, a few cases upon the general subject of the interpretation of statutes are here given.

In construing a statute we should look at the whole context, and give full effect to all provisions. The objects intended to be subserved by the legislation should be considered and while the ~~an~~ ordinary and popular meaning of words should be given where such an interpretation is possible, *Moran vs. Prather*, 25 Wall. 492; *E. L. Co. vs. Shutte*, 103 U. S., 118, 140, yet the operation of the statute should be restrained within narrower limits where its literal meaning would extend to cases which the legislation never intended to include in it. *Market Co. Vs. Hoffman*, 101 U. S. 118.

Such a construction is to be given as will render the act reasonable rather than unreasonable and just rather than unjust. *Merriam vs. U. S.*, 107 U. S., 457; *Noonan vs. Bradley*, 9 Wall., 394.

Congress stands in the position of a trustee of the lands and funds of these Indians. The laws, are, therefore, to be liberally construed in favor of the claimant and against Congress where such a construction is possible. Any other construction of Section 21 than the one urged above would result in depriving these parties of their rights of citizenship and their pro rata share in the distribution of the lands and funds of the Cherokee Nation.

A construction making it the intention of Congress to deprive this child of its share in the lands and moneys so held in trust for it is within the reasons under which the Supreme Court of the United States has said the conjecture and uncertainty can never disimmit and heir even if the court is absolutely certain that the testator intended so to do. Allen vs. Allen, 17 How. 391.

Applying these rules to this case we find that the Dawes Commission is authorized in making rolls of citizenship of the tribes to take the roll of 1880 and all descendants born since the date of said roll of persons whose names are found thereon. The word "persons" applies here to those whose names appear upon the roll. "Descendants" evidently refers to children who are enrolled by virtue of their ancestor's rights. The Commission is to "investigate the right of all other persons whose names are found on any other rolls", and to enroll such "of their descendants born since such rolls were made". This last provision is the one under which we are now proceeding and this child comes under the designation of "descendants".

The same distinction between "persons" and "descendants" will be noticed by a perusal of paragraph three, five, six and eleven of section 21 -- both before and after paragraph nine, ^{it has} under which ~~that has~~ been rejected.

The practice of the Dawes Commission and the Department in these cases has been consistent with this construction in enrolling claimants. The proof required in these cases is from the ancestor. When he has established his identity as ~~as~~ a "person" entitled to enrollment his "descendants" are enrolled as a matter of course.

The Supreme Court of the United States has repeatedly ^{an} declared that act should not be construed so as to lead to ^{an} injustice, oppression and absurd consequence. Lau Ow Bew vs.

U. S., 144 U. S. 47/ 61. We submit that it would be leading to injustice, oppression and an absurd consequence to require of a baby that it shall of its own volition leave its mother's arms and "remove to and in good faith settle in the nation in which it claims citizenship".

Conclusion.

We, therefore, respectfully submit

That Laura E. Crow should be enrolled because she removed to the Cherokee Nation and lived there for nine years continuously and has done no act to deprive her of the right;

That Robert H. Crow is entitled, as an intermarried white person, under Cherokee law, to enrollment, having removed to the Cherokee Nation and having made it his home for six years, owned a farm most of the time and having done no act to deprive him of the right; and

That their baby, two years old, should be enrolled as a descendant of Laura E. Crow, its mother, who was properly on the roll in 1868 and of 1896.

Respectfully submitted,

Harry G. Kippball

Thos Henry White

At George

Cred M. Fulton

Attorneys for Applicants,

416 5th St., N. W.,

Washington, D. C.

IN THE SUPREME COURT OF THE TERRITORY,
Commission to the Five Civilized Tribes.

-----o-----

In re)
Application of Robert H. Crow, :
et al., for enrollment as)
Cherokee citizens. :

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Supplemental Brief on Behalf of Applicants.

Inviting a careful review of our original brief filed in this cause, we offer the following as supplementary merely for the purpose of applying the rulings in the ~~Verzains~~ cases and the Clarke case as made by the Assistant Attorney-General on March 14 and 17, respectively, and very briefly state the facts applicable.

Laura M. Choate (Crow) was re-admitted to citizenship in July, 1888, and resided in the Nation continuously from that time until August in 1897, or for more than nine years, without having ever been outside its borders for a single instant. Robert H. Crow and she were married September 13, 1891, and he continued to reside in the Nation for six months, which place we submit to be his permanent home. From that time until 1897, or for five years he was at various places in Arkansas, Missouri and the Cherokee Nation for one month at a time. As an employee of the railroad company he went where he was sent and was evidently an extra man sent from place to place to take the place of regular employees while they were temporarily absent on leave. 1897 is certainly the first time when he may be charged with having lived anywhere beyond the limits of the Cherokee Nation, and even then his employment was merely from month to month, continuing for about three years, when he was sent back to Chelsea, Ind. Ter. He remained in the Territory for a considerable time, when he was sent

to Cherryvale, Kansas, where he was at the time of the taking of the testimony. His wife remained in the Nation all of the time excepting only while he was at Irwin, Missouri, and at Cherryvale, Kansas.

To sustain that he cannot be charged with having left the Nation until his employer took him to Irwin, Missouri, where his wife joined him, we call special attention to the undisputed fact that at this time he and his wife were the owners of an improved farm in the Cherokee Nation and that they still own it.

The evidence in the Clarke case "shows that immediately after their marriage the said Clement G. Clarke and his said wife removed to the State of Connecticut and have been residing in that State ever since, and that the said Clement G. Clarke has exercised rights of citizenship in the State of Connecticut."

"The evidence submitted further shows that Mr. Clarke is a clergyman and since his marriage has taken pastoral charge of a church in Connecticut, where the family residence will be for an indefinite time; that Mrs. Clarke, as a citizen of the Cherokee Nation, has improvements upon and maintains possession and cultivation of a tract of the national land."

The opinion in the Clarke case further says: "Since their marriage she has lived apart from the Cherokee Nation and appears to have no definite purpose of returning. She has, however, maintained her ownership of improvements upon, and control, possession, and improvements of a tract of the national lands. x x x She and her children are therefore within the principles announced in the opinion of the Assistant Attorney-General of this date in the cases of Joseph L., Scott A. and Marjorie Veargain."

Your Commission was, therefore, directed to enroll Martha Cobb Clarke and her children.

We submit that nine years continuous residence without ever having been beyond the borders of the Cherokee Nation are sufficient to establish a removal and settlement within the mean-

ing of paragraph nine of section twenty-one of the Curtis act, and the only question left for our consideration is as to whether or not the Curtis have forfeited their rights of citizenship under the Cherokee Constitution. The following quotation is from the opinion in the Yeargains cases:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation -- viz., removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there. To these tests and for their construction there is, however, implied but not mentioned -- viz: the intent with which such acts be done, for if all property and the person were for some temporary purpose removed from the nation, and if acts were done which might bear the construction of assuming obligations of citizenship in another community -- as voting there for instance -- yet if the removal of person and property were for some temporary purpose and with intent to return, and the acts implying an assumption of duties of citizenship elsewhere for no such purpose, then the change of citizenship would not follow."

"Applying these tests to the facts in the present case, it is clear that the Yeargains (Crows) had not lost their Cherokee nationality. They were not in considerable of their personal property in the Cherokee nation, contributing to and co-operating in its material development. They each retained their possession and use of improvements upon that part of the national lands that they had before going to Missouri. x x x While the act of voting in Missouri is a fact tending to show an intent to abandon Cherokee nationality, it is not alone conclusive proof of such intent, and taken in connection with the other facts only shows a violation of the laws of Missouri, not a loss or voluntary disavowal of Cherokee nationality."

"We are, therefore, of opinion that the applications of Robert H. Crow and Laura E. Crow were erroneously denied, and, that they are entitled to be enrolled as citizens of the Cherokee Nation. We are also of opinion that Anabel, infant child of Robert H. Crow, is entitled to be enrolled as a descendant of Robert H. Crow and Laura E. Crow."

Respectfully submitted,

Nancy G. Kimball

Thos Henry White

Attorneys for Applicants.

L. B. BELL

W. W. HASTINGS

J. N. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STATH, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. E. D. J. D. 761.

Muskogee, J. T., March 1th, 1902.

City Marshal,

Irwin, Mo.

Dear Sir:

Enclosed herewith find a notice, which please serve on Robert L. Crow, who lives at Irwin, Missouri. Serve the notice by delivering one copy to him, and make out your return in the lowest blank on the back of the other copy, swear to it before a Notary Public, and return to us at the earliest date possible; together with your bill for same, and we will be pleased to remit the amount. Please attend to this promptly, as this case is set for hearing March 8th, 1902.

Yours truly,

COMMISSIONERS
HENRY L. DAWES.
TANS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 761.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

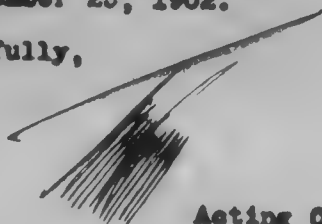
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Robert H. Crow for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laura E. Crow, and his minor child, Anabel Crow, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 25, 1902.

Respectfully,



Acting Chairman.

COMMISSIONERS:
JAMES BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

607
IN REPLY TO THE FOLLOWING

Cherokee R-693

ALLISON L. AYLESWORTH,
SECRETARY

Tahlequah, Indian Territory, May 27, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on May 2, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking additional testimony, the application of Robert H. Crow, Cherokee R-693 (D-761).

The applicant and his attorneys have this day been advised that any further testimony he may have to introduce, tending to establish his right to enrollment as a citizen of the Cherokee Nation, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Evidence is particularly required as to the residence of the applicant.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MM

COMM. 1800
HENRY DAVIS
TAMM HENDY
THOMAS H. HILL
R. D. HILL

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

Cherokee D 761.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

Muskogee, Indian Territory, July 29, 1902.

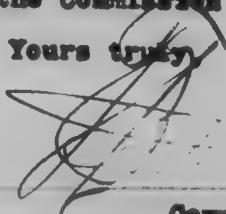
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert H. Crow for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laura E., and his child, Anabel Crow, as citizens by blood, of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 7.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-693

ALLISON C. AYLESWORTH,
SECRETARY

Tahlequah, Indian Territory, June 3, 1903

W. W. Hastings,

Attorney for Cherokee Nation,


Tahlequah, Indian Territory.

Dear Sir:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Robert H. Crow for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,



BCJ

Commissioner in Charge.

HARRY G. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,

Attorneys at Law,

COLUMBIAN BUILDING, 416 5TH ST., N. W.,

Washington, D. C.

June 15, 1903.

W. W. Hastings, Esq.,

Muscogee, Ind. Ter.

Dear Sir:

Enclosed please find carbon copy of supplemental brief in re application of Robert H. Crow, et al., for enrollment as citizens of the Cherokee Nation, which we have this day forwarded to the Commission to the Five Civilized Tribes to be filed.

Yours very truly,

Cherokee R-693.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JH

BAF

Muskogee, Indian Territory, July 15, 1905.

W. W. Hastings,

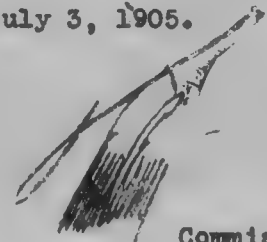
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Laura E. Crow and her minor child, Anabel Crow, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 3, 1905.

Respectfully,



Commissioner.

GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 693

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Robert H. Crow, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-6
RA

Robert H. Crow

et al

- ✓ Original testimony, Oct 31, 1900.
- ✓ memo. of application.
- ✓ Marriage License & Certificate
- ✓ Certified Copy, Record Citizenship Comm.
- ✓ Affidavit of birth, - Anabel Crow-

✓ Notice of final consideration, 3/8/02

✓ Receipt for testimony

✓ Sub test & order during test 3/8/02

Transferred to R-693



Cher D 762

Cher D 762

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 31, 1900.

In the matter of the enrollment of Canada Youngblood for the enrollment of herself as a Cherokee by intermarriage and Blue Horse as Cherokee by blood; being sworn and examined by Commissioner Brown and the following is testified as follows:

- Q What is your name, please? A Canada Youngblood.
- Q How old are you? A 33.
- Q What is your post office? A Gatsons.
- Q Do you live in Chickasaw County, District? A I guess it is.
- Q How do you want to enroll, for yourself, or do you want to enroll your family? A Yes, sir, I have one child.
- Q When you want to enroll for yourself, are you one child? A Yes, sir.
- Q Are you a Cherokee by blood? A No, sir, I am an intermarried Cherokee.
- Q When was your marriage? A The last time, 1886; no, it was 1886.
- (The applicant presents an official copy from the records of Canadian district, of her certificate of marriage to Richard Boggs in 1886, but the month and day is not stated in the record, and apparently the year has been changed from 1886 to 1885, 8 being different, and the change quite obvious. This is filed herewith.)
- Q Who has been altering this certificate? A I don't know anybody.
- Q How were you married in 1886 or 1885? A In 1886; it is just like it was sent to me; it was sent to me in 1870 down there, I sent for it when they had to be enrolled on the old settler roll.
- Q When did you write for it? A I think in 1870, the date or right down there.
- Q You mean in 1897, the copy was furnished in 1897? A Yes, sir, there is when I sent for it right down there (indicating on paper.)
- Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
- Q What roll are you on? A I was on the roll that drew the strip money, I was on that roll.
- Q Was this husband Boggs a white man or a Cherokee? A Cherokee.
- Q Is he alive or dead? A He is dead.
- Q When did he die? A I can't tell you the year he died in, about 8 years ago; he was murdered.
- Q He has been dead over eight years? A About eight years, I don't know just exactly when.
- Q How long did he live in the Cherokee Nation? A All his life.
- Q What was the name of his father? A Wilson Boggs.
- Q Is he dead? A Yes, sir.
- Q Give me the name of his mother? A Pearly Boggs, that was the English name.
- Q Is she dead? A Yes, sir.
- Q Was that your first marriage, to Richard Boggs? A No, sir.
- Q Wasn't that the only time you have been married? A No, sir.
- Q How often have you been married? A Three times.
- Q Who was your husband before you married Boggs? A Clawson, Hamilton M. Clawson.
- Q Was he a Cherokee? A No, sir.
- Q What was he? A Choctaw.
- Q Is he dead? A Yes, sir.
- Q When did you marry him? A I never married till I married that man, Dick Boggs.
- Q Were you married to Clawson? A Yes, sir.
- Q I asked you when you married Clawson? A I married him 18 years ago.
- Q Did you live with him until he died? A Yes, sir.
- Q Do you know when he died? A He died the year after we were married.
- Q Well, you were married before that? A No, sir.
- Q When did you marry your present husband? A The 7th day of August was a year ago.

Canada: Youngblood - 2.

Q And what is your present husband's full name? A Le Youngblood.
Q Is he a Cherokee or a white man? A White man.
Q What is the name of your child? A Blue Rogers.
Q Is the child of your second husband? A Yes, sir.
Q How old is he? A 14 years old.
Q You say that Richard Rogers was killed eight years ago? A About eight years ago.

(Richard Rogers on 1880 roll, page 4, No. 135, Canadian district. Canada: Rogers on 1895 roll, page 296, No. 125, Canada home, Coopers-cooper district, in marriage white. Blue Rogers on 1895 roll, page 119, No. 603, blue Rogers, Coopers-cooper district.)

Q The child is living now, is he? A Yes, sir.
Mr. W. H. Smith, representative of the Cherokee Nation: Where were you married? A Canadian district.

Q Where was this child born? A Born in Canadian.

Q Where was Richard Rogers killed? A He was killed down here at Gatson.

Q You always lived in the Cherokee Nation with his wife he lived? A Yes, sir.

Commissioner Bro. Lindegar: Was your husband Rogers ever married before he married you? A No, sir, he has got a child by another woman, but they never was married; she is Cherokee too.

Q Did he live with that woman? A Yes, sir, I reckon he did. I never knew her, but I knew the children; I taken one of the children and kept him, it is at Canadian.

Q Is that person still living? A I don't know.

Q You are living when you married Rogers? A Yes, sir, she was living.

Q Give me her name? A Jennie Fools.

Q Do you know the name of the father of Jennie Fools? A No, sir I don't.

Q Do you know the name of the mother? A No, sir.

Q How old was she when you knew her? A I don't know how old she was.

Q Did you and your husband kept house together? A I reckon, I don't know, I never seen the living house.

Q They raised up a lot of children? A They have got two children.

Q What are the names of these children? A Dave Rogers is the boy's name.

Q How old is Dave? A I don't know.

Q How old was he? A I don't tell you about how old he was because his father and his mother one didn't know him no.

Q What is the name of the other child? A I think her English name is Lucy.

Q Which one of the children was it you brought up? A Dave, the boy.

Q Is he living now? A Yes, sir, he is with his father, his mother is dead; I guess he is about 20 or 21.

Q Your husband never got any divorce from that woman? A I don't know anything about a divorce, I didn't know whether he needed one or not.

The applicant applies for the enrollment of herself and one child. She states that she is a white woman. Her deceased husband is identified on the roll of 1880, and she states that he lived in the Cherokee Nation all his life. She is identified on the roll of 1895. Her marriage certificate filed herewith is not in reliable form as shown in the testimony, and her own testimony is contradictory. She has married a white man since the death of her second husband, and consequently whatever rights she could have possessed by that marriage she has lost by her present marriage. Therefore the application for her own enrollment is rejected.

Her child is identified on the roll of 1895, is a minor, and is living now. It appears that the applicant's husband formerly lived with a woman named Jennie Fools, and it is not known that he ever

Canada Youngblood - 5.

procured a divorce from that woman. They had two children together. Further testimony is desired in regard to that marriage before the legal status of this child can be determined. Therefore the application for the enrollment of Sine Lodge will be placed upon a doubtful card, he being classed as a Cherokee by blood. The applicant is desired to furnish a new and correct copy of her certificate of marriage to her husband, Rogers.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 31st of October, 1900.

W. H. M. Jones

Commissioner.

Supl.-C.D.#762.

Department of the Interior?
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of BLUE BOGGS
as a citizen of the Cherokee Nation.

The applicant's mother, Consada Youngblood, was notified by registered letter February 18, 1902, that the application of her son, Blue Boggs, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day appears by his Attorney, A. M. Calloway, Charamore, Indian Territory.

Mr. J. C. Starr, Cherokee Representative, present.

Commission to Mr. Calloway: Do you desire to make any statement relative to this case?

Mr. Calloway: I believe I will reserve the right in that to file a brief; give me 15 days.

Commission: The attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

The Attorney for the applicant requests and will be granted 15 days in which to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

2762

ADMISSION TO THE FINE CRIMINALIZED TO
FILED
JUN 23 1902

F. R.
L. B. H. ACTING CH

1902

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 14, 1902.

In the matter of the application of Blue Boggs for enrollment
as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL TO D-762.

APPEARANCES:

Applicant by his stepfather, Lee Youngblood.
W. W. Hastings in behalf of Cherokee Nation.

COMMISSION: The applicant's mother, Cansada Youngblood, was notified by registered letter June 2, 1902, to appear before the Commission at its offices in Muskogee on or before June 17, 1902, and submit further evidence as regards the residence of her son, Blue Boggs, in the Cherokee Nation, and also to submit further evidence concerning the relation that existed between Richard Boggs, the applicant's father, and his former wife, Jennie Pool. The applicant this day, to wit the 14th day of June, 1902, appears by his stepfather, Lee Youngblood.

LEE YOUNGBLOOD, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Lee Youngblood.
Q How old are you? A I am 43.
Q What's your postoffice address? A Catoosa.
Q You are the husband of Cansada Youngblood? A Yes, sir.
Q And the stepfather of Blue Boggs? A Yes, sir.
Q When were you married to Cansada Youngblood? A I couldn't tell you what year to save my life.
Q About what year? A Three years ago, or four, about three years ago I guess.
Q About '99 was it? A About that time, yes, sir.
Q How long had you known her prior to your marriage? A About two years, three, two or three years, I don't remember which.
Q You knew her son, Blue Boggs, as long as you knew your wife? A Yes, sir.
Q Who is the father of Blue Boggs? A They say Richard Boggs, but I never knew.
Q Did you know Richard Boggs? A No, sir, I didn't; never saw him; he was killed before I come to the Territory.
Q He was dead when you married your wife, Cansada? A Yes, sir, they said he was.

There is offered in evidence a certificate signed by B. W. Alberty, Assistant Executive Secretary Cherokee Nation, under date of June 11, 1902, certifying that he had examined the marriage record of Canadian District, Cherokee Nation, and fails to find that said record shows a marriage between Richard Boggs and Jennie Pool. The document will be filed and made a part of the record.

Q What is your citizenship, Mr. Youngblood? A My own?
Q Yes, sir. A Citizen of the United States.
Q You don't claim to be a citizen of the Cherokee Nation by blood?
A No, sir.
Q Now is your wife, Cansada, a citizen by blood or a white woman?
A Not by blood, no, sir.

Q Your wife, Canada Youngblood, is the mother of this child is she?
A Yes, sir.
Q Do you remember in what year you first learned to know your wife Canada? A It's been about five years; I couldn't tell you one year from another.
Q About how many years ago? A About five years ago.
Q Where was she living at that time? A Living there at Catoosa.
Q Was this child living with her then? A Yes, sir.
Q Have she and this child always lived in the Cherokee Nation since that time? A Yes, sir, right on the same place they are now living.
Q You don't know of your own knowledge how long she had been living there prior to that time? A No, sir.

1884 roll, page 5, No. 97, Blue Boggs, Canadian District.

Q Did your wife have another child besides this Blue Boggs? A Yes, sir.
Q What was that child's name? A Clawson.
Q Well I mean did she have another child by Richard Boggs? A No, sir, that's the only child she had by Richard Boggs; I can see how you got the idea of two children by this Jennie Pool; that's where you got the idea of two children; I notice that; she only had one child by Boggs.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of June, 1902.

H. R. Renter
Notary Public.

THE STATE OF TEXAS, COUNTY OF DALLAS, ss.
 I, the undersigned, Clerk of the County Court, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County Court of the County of Dallas, State of Texas.
 IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County Court at Dallas, Texas, this 1st day of May, 1908.
 CLERK OF THE COUNTY COURT.

RECEIVED
 MAY 1 1908
 THE FIVE CIVILIZED TRIBES COMMISSION
 EL PASO

DEPOSED
 JAMES H. BROWN

JAMES H. BROWN

Department of the Interior,
Commission to the Five Civilized Tribes,
Cateessa, I. T., June 18, 1902.

Supplemental testimony and proceedings in the matter of the application of Blue Beggs for enrollment as a citizen by blood of the Cherokee Nation.

JOE BRIDGES, being duly sworn and examined testified as follows:

BY COMMISSION:

- Q What is your name? A Joe Bridges.
- Q What is your post office address? A Cateessa, I. T.
- Q How old are you? A 42.
- Q What district do you live in? A Cooweescoowee.
- Q Are you a citizen by blood of the Cherokee Nation? A No sir, I am an adopted citizen.
- Q Do you know Blue Beggs, child of Cansada, now Cansada Youngblood, a white woman, and of Richard Beggs, deceased, a Cherokee by blood? A Yes sir.
- Q About how old is that child? A I could not tell you just how old he is, about 14 or 15 years old.
- Q Where is he now? A He is here, lives in about two miles of here, Cateessa, I. T.
- Q How long has he lived there, A I could not tell you that; it has been my understanding he has lived there all of his life.
- Q You have never heard of his being out of the Cherokee Nation? A No sir, I have not.
- Q Did you know his father, Richard Beggs? A I did, yes sir.
- Q When did he die? A Well I could not tell you that, I lived in Canadian and he lived here; must have been some ten or twelve years ago.
- Q How long had you known him before his death? A I had known him for about 25 or 30 years.
- Q Did you know about when he married this woman, Cansada Youngblood, the mother of this child, Blue Beggs? A Yes sir, I knew about when that was, it has been about 18 years ago, I judge.
- Q Was he ever married before he married Cansada? A Not that I knew of.
- Q Do you know a Cherokee woman named Jennie Peel? A Yes sir sir.
- Q Is she living? A She was the last time I knew anything of her, that has been sometime ago, eight or nine years ago.
- Q How long had you known her up to the time you last heard of her, some 8 or 9 years ago? A Why it was along in about '78 or '9, when I first got acquainted with her, - that is saw her, I never did get very well acquainted with her.
- Q Do you know whether or not she and Richard Beggs were ever married? A No sir nothing more than what he had told me, he said they never was married; I have teased him about it at different times, the old saying is, "jeshed" him about the woman and he said they was not married.
- Q Did they ever live together as husband and wife? A No sir, not that I knew of.

Q You knew them both prior to the marriage of Richard Beggs to Cansada, who is now Cansada Youngblood? A Yes sir.

Q Did you live in the same neighborhood with them? A I lived about 12 or 14 miles from there.

Q If they had been married or had lived together in any manner whatever as husband and wife prior to the marriage of Richard Beggs to Cansada, you would have known it? A Yes sir I think I would, I had all chances to have known it.

Q Did Richard Beggs ever have any children by this woman Jennie Feel, so far as you know? A I couldn't say, she had a child or two the people around there said she claimed as being Dick's; he said he didn't know whether it was his or not; that is the talk me and him had about it.

Q But you know that he never recognized this woman as his wife, and she never claimed him as her husband? A I know he didn't recognize her as his wife, I couldn't say whether she claimed him or not; not that ever I heard of. She lived there with her father, and Richard Beggs never furnished any support for her that ever I heard of or knew anything about, and she has went by the name of Jennie Feels from the first to the last that ever I knew.

E. J. WARREN, being sworn and examined testified as follows:
BY COMMISSION:

Q What is your name? A E. J. Warren.

Q How old are you? A 67 years old.

Q What is your post office address? A Gateesa, I. T.

Q What district do you live in? A Coowescoowee.

Q Are you a citizen by blood of the Cherokee Nation? A By adoption.

Q Do you know Blue Beggs, the child, about 14 years old, for whom application has been made for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.

What is the name of that child's mother? A Cansada Youngblood now.

Q What is the name of that child's father? A Richard Beggs.

Q Where is that child now? A He is at home I reckon, he was here yesterday.

Q You say he is at home, where is his home? A About two miles from here at Youngbloods.

Q In the Cherokee Nation? A Yes sir, Coowescoowee District.

Q How long has he been living there? A Why he has been living there close about for about 18 years I reckon.

Q Did you ever hear of that boy going out of the Cherokee Nation? A No sir.

Q So far as you know he has been here continuously all of his life?

A Ever since I knew him he has been right around down here.

Q Do you know anything about the Report that Richard Beggs, the father of this child, was at one time married to Jennie Feels, a Cherokee by blood? A No sir, I don't know anything about that; I knew that boy has been here 18 years, I am the family physician in his mother's family, and have been for 18 years.

Q And for that length of time you knew that boy has been here continuously in the Cherokee Nation and in that family? A Yes sir right here; goes to school here every year.

Cateesa, Indian Territory,
June 17th, 1902.

JOHN L. DENBO, being sworn and examined testified as follows:
BY COMMISSION:

- Q What is your name? A John L. Denbo.
Q How old are you? A 28.
Q What is your post office address? A Cateesa, I. T.
Q What district do you live in? A Cooweescoowee.
Q You are a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Do you know Blue Boggs, a child about 14 years of age, for whom application has been made for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is the name of that child's mother? A Cansada Youngblood.
Q What is the name of that child's father? A Richard Boggs, he is dead now.
Q Where is that child now? A He is in a mile and a half of town here, at his home with his mother and stepfather.
Q In the Cherokee Nation? A Yes sir.
Q How long has he been there? A Well he has been right in here for the last something like 12 years, the best I remember, ever since he was pretty near a baby, just a little fellow when I became acquainted with him, and known him here all the time since.
Q You have known him here and known him to live here near Cateesa in the Cherokee Nation with his mother for 12 years past? A Yes sir.
Q He has not been out of the Nation any time during that 12 years?
A No sir, not in the time that I knew of.

-:-:-:-

I, H.D.Green, do hereby certify that as Stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in the foregoing case and that the above is a true and complete transcript of my stenographic notes thereof.

H.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Blue Boggs as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 31, 1900, Cansada Youngblood appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of her son, by a former husband, Blue Boggs, as a citizen by blood of the Cherokee Nation. The application included Cansada Youngblood, but, as she is differently classified, she is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, and June 14, 1902, and at Catoosa, Indian Territory, on June 16 and June 17, 1902.

The evidence in this case shows that Blue Boggs is the son of Richard Boggs, a Cherokee by blood, who is identified on the Cherokee authenticated tribal roll of 1880, and Cansada Youngblood, formerly Cansada Boggs, a white woman, who were lawfully married in the month of December, 1887. The said Blue Boggs is identified on the Cherokee Strip Payment roll of 1894 and on the Cherokee Census roll of 1896.

It further appears from the evidence that Blue Boggs has lived continuously in the Cherokee Nation all his life.

It is, therefore, the opinion of this Commission that Blue Boggs should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED).

Tame Dixey.

Acting Chairman

(SIGNED).

I. E. Needles.

Commissioner

(SIGNED).

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-762.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

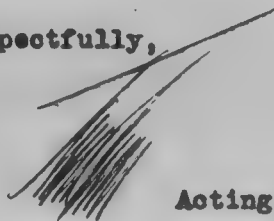
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Cansada Youngblood for the enrollment of her son, Blue Boggs, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-255.

Blue Boggs

A. Original testimony. Oct 31 - 1900

B. Memo. of application. Oct 31 - 1900

C. Certificate of marriage.

H. Certified copy Marriage record.

E. Receipt for testimony

F. Notice of final consideration, 3/8/02

G. Order closing testimony, 3/8/02

See Cherokee jacket R307



Cher D763

Cher D763

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MASSACHUSETTS, I. T., OCTOBER 31st, 1900.

IN THE MATTER OF THE APPLICATION OF Jane Florence Boyd for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she appearing before the Commission, and being sworn by Commissioner, C. R. Brockbridge, testified as follows:

By the Commission:

- Q What is your name? A Jane Florence Boyd.
- Q What is your age? A Fifty four.
- Q What is your Postoffice address? A Gatsons.
- Q Do you make application for enrollment as a citizen by blood?
- A Yes sir.
- Q What degree of blood do you claim? A About one sixteenth.
- Q For whom do you make application? A Myself and husband.
- Q What district are you living in; Coowasee? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A Ever since I was twelve years old.
- Q Have you been outside of the Cherokee Nation within the past three years? A No sir.
- Q What is the name of your father? A Charlie Riddle.
- Q Is he living? A No sir.
- Q Was he a Cherokee by blood? A Yes sir.
- Q What is your mother's given name? A Cynthia.
- Q Is she living? A No sir.
- Q Was she a Cherokee by blood? A No sir; white woman.
- Q What District were you living in in 1890? A This District.
- Q Coowasee District? A Yes sir.
- Q What was your name then? A Riddle.
- Q What district were you living in in 1896? A Coowasee.
- Q Was your name Boyd in 1896? A I think so; I am not sure.
- Q What is the name of your husband? A John H. Boyd.
- Q Is he living? A Yes sir.
- Q How old is he? A I do not know.
- Q Is he older than you? A No sir; I am the eldest.
- Q About how many years older are you than he? A About six or seven years.
- Q He is about forty eight then is he? A Yes sir; I guess so.
- Q Is he a Cherokee or white man? A White man.
- Q How long has he lived in the Cherokee Nation? A I do not remember how long.
- Q Has he been here twenty years? A I guess he has; longer than that probably.
- Q What is the name of his father? A Boyd; I do not know his given name.
- Q What is the name of his mother? A Boyd; I do not know her given name.
- Q Were the parents of your husband ever recognized as citizens of the Cherokee Nation? A No sir; they were white people.
- The applicant presents a Cherokee marriage license, authorizing the marriage of John H. Boyd, a citizen of the United States, to Mrs. F. J. Dren, a citizen of the Cherokee Nation, issued on the 9th day of February, 1893. The Certificate shows that said marriage was performed by J. C. Barker, Minister of the Gospel, on the 18th day of February, 1893. The license has been duly recorded, and is filed herewith.
- Q Have you lived with your husband continuously since you married him in 1893? A Yes sir.
- Q What is the name of your former husband? A Jerry Dren.
- Q Is he living or dead? A Dead.
- Q Did he die before you married your present husband? A Yes sir.
- Q Were you ever married before you married Dren? A No sir.
- Q You have been married only twice? A Yes sir.
- Q Was your husband ever married before? A I think so.
- Q Do you know what his first wife's name was? A I do not.

Q Do you know whether she was dead when he married you? A I think she was; he told me she was.

By Mr. Gale Starr, Cherokee Representative:

Q All you know about his first wife being dead is just what he told you? A Yes sir.

By the Court:

Q Is your husband here? A Yes sir.

Q Where is he? A He is down stairs.

Q Mrs. Boyd, did you state that you had been married only twice?

A Yes sir.

Q Were you not married to a man named Gillegie? A No sir.

Q Did you not live with him? A I kept house for him.

Q How long did you keep house for him? A I don't remember now.

Q Was that after your first husband was dead? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q How long did you keep house for that man Gillegie? A About two years I guess.

Q Where was that? A Around Claremore and around Gettysburg.

Q Wherever you went, you went? A No sir.

Q Wherever he kept house, you kept house? A Yes sir; I kept his children.

Q How old was his oldest child? A I do not know.

Q About how old? A I guess he must have been about ten years old.

Q Boy or girl? A Boy.

Q Did he have any girls? A No sir.

Q Did he have any other children? A He had a little boy; he had two children.

Q How old was the youngest boy? A About four years old; three or four. I do not just remember.

Q You four people; you and this man and these two boys stayed in the same house for more than two years? A We lived in "joining" rooms.

Q In the same house for two years? A Yes sir.

Q You deny that you lived with him as his wife? A Yes sir.

Q You were not recognized in the community as his wife? A No sir.

Q Have you any children? A No sir.

Q None by any marriage? A I had a little boy by my first husband.

Q Is he living? A No sir; he is dead.

Q Were you keeping house for Gillegie in 1896? A I do not remember.

Q When were you married this last time? A He has it there on paper - (indicating Mr. Reuter)

Q Do you not remember? A No sir; I am forgotten.

By the Court:

John H. Boyd being sworn and examined, testified as follows:

Q What is your name? A John H. Boyd.

Q How old are you? A Thirty nine years old.

Q Are you acquainted with the applicant here? A Yes sir.

Q How are you related to her? A She is my wife.

Q When were you married to her? A A little more than eight years ago.

Q Have you lived with her continuously since? A Yes sir.

Q Were you ever married before? A Yes sir.

Q What was the name of your first wife? A Her name was Lydia Abbott.

Q Was she a white woman? A Yes sir.

Q How long did you live with her? A Two years.

Q When were you married to her that year? A I was nineteen years old.

Q Twenty years ago? A Yes sir; about twenty years ago.

Q You lived with her two years? A Yes sir.

Q Were you divorced from her? A Yes sir; I guess not; she is dead.

Q Did you live with her up to the time of her death? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q Do you know the name of John Gillepie's first wife?

A No sir; I do not.

Q Do you know how many times he was married? A No sir.

Q He swears at Nowata that he had been married once; that his wife died in 1884; and he stated that he afterwards married a Cherokee woman, after the death of his first wife, but that he forgot her name. Are you that woman? A No sir; I do not.

Q Do you know who she was? A No sir; I do not.

Q You never got a divorce from him then? A Never was married to him.

Q Well, you never got a divorce? A I do not see how I would have to have a divorce when I was not married.

Q How long was he separated from his wife when you went to live with him? A I do not know.

Q How long did you know him before you went to live with him? A A year.

Q Where was he at that time? A I can not call the name of the Creek where he lived.

Q You say you kept house around here somewhere for John Gillepie?

A Yes sir.

Q Near Claremore? A Yes sir.

Q Who were your neighbors at that time? Who lived any ways near you? A Louthers.

Q What direction from Claremore, and how far? A I do not know how far. They lived in this way (pointing).

Q Is that east? A I can not say whether it is east or west; I am turned around here.

By the Commission:

(1890 Roll, Page 143, 18975, J. E. Riddle, Gen. District)

Q What is your father's correct name? A His correct name is Joe Riddle; his nick name is Charlie.

(1896 Roll, Page 118, 1896, Jane F. Boyd, Gen. District)

(1896 Roll, Page 206, 1824, John H. Boyd, Gen. District)

The applicant applies for the enrollment of herself and husband. She is identified upon the authenticated roll of 1890, and the census roll of 1896, as a native Cherokee. She has lived in the Cherokee Nation for forty two years, and will be listed for enrollment as a Cherokee citizen by blood.

As to the application she makes on behalf of her husband, she avers that she was formerly married to one, David. She lived with him continuously up to the time of his death. It appears from the testimony that for two years she kept house for one, Gillepie, and attention is called to the testimony of John H. Gillepie, "D" Card, 1806; Gillepie states in his testimony that he lived with an Indian woman, but is unable to remember her name. It is presented that the Indian woman mentioned in his testimony is the applicant, Jane F. Boyd. She presents satisfactory proof as to her marriage to her husband, in accordance with the laws and customs of the Cherokee Nation, on the 18th day of February, 1893. Her husband has resided with her continuously since that time.

The Cherokee Representatives present request that the husband of the applicant be placed on what is known as a doubtful card, and that the applicant be required to file with this Commission satisfactory proof that she was not living with Gillepie as his wife.

The applicant's husband will be listed for enrollment as a Cherokee citizen by intermarriage, upon what is known as a doubtful card; and when final judgment is rendered in his case, he will be notified in writing at his present Postoffice address.

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The undersigned, being sworn, deposes that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that he foregoing is a true and complete transcript of his stenographic notes thereof.

W. P. ...

Subscribed and sworn to before
me this 21st day of October, 1906.

W. P. ...

COMMISSIONER

To be filed in case C. D-763.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1902.

In the matter of the application of John M. Boyd for the enrollment of himself as a citizen of the Cherokee Nation.

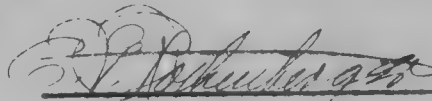
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The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 8th day of March, 1902. On said date the applicant appeared by his attorney, A. M. Galloway, and by agreement the case was continued until March 21, 1902.

On March 21, 1902, the applicant again appeared by his attorney and the case was continued by agreement until April 5, 1902. The same being this day to wit, the 5th day of April, 1902, called and the applicant failing to respond either in person or by attorney, the record in the case is now deemed completed and it will be reported to the Commission for final decision, based upon the evidence of record.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. H. L.

In the matter of the application for the enrollment of
John M. Boyd as a citizen by intermarriage of the Cherokee Nation.

DECISION.

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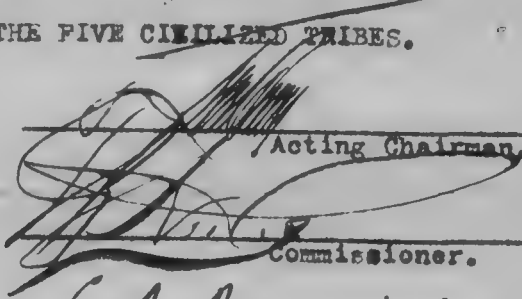
The record in this case shows that on October 31, 1900, Jane Florence Boyd appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of her husband, John M. Boyd, as a citizen by intermarriage of the Cherokee Nation. The application included Jane Florence Boyd, but, as she is differently classified, she is not embraced in this decision.

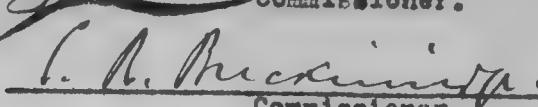
The evidence shows that the said John M. Boyd, a white man, was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1893, to his wife, Jane F. Boyd, a citizen of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1890. John M. Boyd is identified on the Cherokee Census roll of 1896.

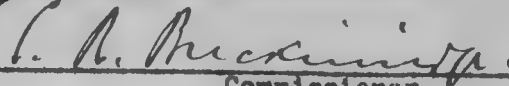
The evidence further shows that the said John M. Boyd has lived with his wife, Jane F. Boyd, in the Cherokee Nation ever since their marriage in 1893.

It is, therefore, the opinion of this Commission that John M. Boyd should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 23, 1898 (30 Stats., 495-), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 18 1902

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HOSEA
W. P. T. C.
W. P. T. C.

Cherokee D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Dawey, I. T., October 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of JOHN M. BOYD, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; being sworn and examined, he testified as follows:

BY COMMISSION:

- Q What is your name? A John M. Boyd.
Q How old are you? A 42 years old.
Q What is your post-office address? A Catoosa, I. T.
Q What district do you live in? A Cooweescoowee.
Q You claim citizenship in the Cherokee Nation by intermarriage?
A Yes sir.
Q What is the name of your wife? A Florence, or F.J. Drew, was her name; she was married under; her maiden name was Ruddles.
Q When were you married to her? A 1894 I think.
Q Were you ever married before you married her? A Yes sir.
Q How many times? A Once before.
Q Was your first wife dead when you married this woman? A Yes sir.
Q Was your present wife ever married before she married you?
A Yes sir.
Q How many times? A Once before.
Q Was her first husband dead when she married you? A Yes sir.
Q Since ~~her~~ your marriage to your present wife in 1894 have you lived with her continuously as husband and wife? A Yes sir; of course I am giving this evidence as I swear to the best of my knowledge; I didn't know her but a short time before I was married. You asked me how many times she had been married and I told you once.
Q Where has your residence been for the last four or five years? A At Catoosa, the last seventeen years.
Q You have not lived outside of the Cherokee Nation at all for seventeen years? A No sir.

FLORENCE JANE BOYD, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Florence Jane Boyd.
Q How old are you? A 47 next birthday.
Q What is your post-office address? A Catoosa, I. T.
Q You live in Cooweescoowee District? A Yes sir.
Q You are the wife of John M. Boyd, who has just testified?
A Yes sir.
Q When were you married to him? A Law! don't ask me no dates, I can't recollect them.
Q He says 1894, is that right? A Yes sir.
Q Since your marriage to Mr. Boyd in 1894, has he lived with you all the time as your husband? A Yes sir.
Q And you have both lived all that length of time in the Cherokee Nation have you? A Yes sir, never was out of it; don't know no place else.
Q You have heretofore given in all the testimony you care to in regard to your case, and that of your husband? A Yes sir.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 4, 1902.

J. R. Renter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of
John M. Boyd as a citizen by intermarriage of the Cherokee Nation.

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DECISION.

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The record in this case shows that on October 31, 1900, Jane Florence Boyd appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of her husband, John M. Boyd, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Dewey, Indian Territory, on October 17, 1902. The application included Jane Florence Boyd, but, as she is differently classified, she is not embraced in this decision.

The evidence shows that the said John M. Boyd, a white man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on February 12, 1893, to his wife, Jane Florence Boyd, a citizen of the Cherokee Nation, who is identified on the Cherokee Authenticated Tribal Roll of 1880. John M. Boyd is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said John M. Boyd has lived with his wife, Jane Florence Boyd, in the Cherokee Nation ever since their marriage in 1893 continuously up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that John M. Boyd should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 25, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

Tame Dixby.

Acting Chairman.

SIGNED.

T. B. Needles.

Commissioner.

C. D. Crockett.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVIERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

WRITTEN IN REPLY TO THE FOLLOWING

Cherokee D 763.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Jane Florence Boyd for the enrollment of her husband, John M. Boyd, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,



Acting Chairman.

Enc. C. No. 15.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee D-763.

ALLISON I. AYERSWORTH,
SECRETARY.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

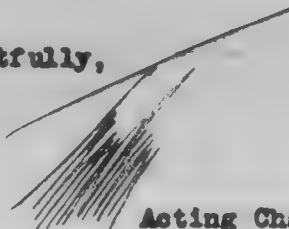
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Jane Florence Boyd for the enrollment of her husband, John M. Boyd, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-219.

John M. Boyd.

A. Original testimony. Oct 31-1900.

B. Trans. of application. Oct 31-1900.

X. Marriage license and certificate.

X. Receipt for testimony.

E. Notice of final consideration, 3/8/02.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHARLOTTE, I.T., OCTOBER 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Thomas Davis for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Brookbridge, testified before the Commission as follows:

By the Commission:

- Q What is your name? A Thomas Davis.
Q How old are you? A Thirty years old.
Q What is your postoffice address? A Canton.
Q Do you make application for enrollment as a Cherokee citizen by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A My mother was a half breed.
Q What is the name of your father? A Kim Davis.
Q Was he a Cherokee? A He is dead.
Q What is the name of your mother? A Elizabeth Baker Davis.
Q Is she living? A No sir.
Q Was she a Cherokee? A Yes sir.
Q What do you do for a living? A Some farming.
Q For whom do you make application? A Myself and family.
Q What does your family consist of? A Two children that are not of age.
Q Yourself and two children? A Yes sir.
Q And your wife? A Yes sir; she is a white woman.
Q Do you make application for her? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A About fifty years.
Q Have you been outside of the Cherokee Nation any time within the past three years? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Minnie Davis.
Q Is she living? A Yes sir.
Q How old is she? A About thirty five.
Q Is she a Cherokee by blood or a white woman? A She is a white woman.
Q How long has she lived in the Cherokee Nation? A Somewhere about twenty years; twenty one or two years; about that time I guess.
Q What is the name of her father? A Brown.
Q Was he ever given name? A Not that I know of; Her name was Minnie Brown.
Q Is her father living or dead? A Dead.
Q Was he a Cherokee or a white man? A White man.
Q What is the name of your wife's mother? A Mary Brown.
Q Is she living? A Yes sir.
Q Is she a Cherokee citizen by blood? A White woman.
Q Were your wife's parents ever recognized as citizens of the Cherokee Nation? A No sir.
Q Has your wife been outside of the Cherokee Nation within the past three years? A No sir.
Q When were you married to her? A I will get this little paper out and let you look at it.
The applicant presents a marriage certificate, showing that Thomas Davis and Minnie Brown were united in matrimony on the 25th day of March, 1890, by Reverend S. Morris. Same is filed herewith.
Q Were you ever married before you married this woman? A Yes sir.
Q What is your first wife's name? A Elizabeth Baker.
Q Was she a Cherokee? A She claimed to be.
Q Was she recognized as such? A No sir.
Q Did you live with her up to the time of her death? A Yes sir.
Q Were you ever married before that? A No sir.
Q Was your wife ever married before you married her? A No sir.

Q Give me the name of the oldest child for whom you desire to make application? A Julia.
 Q How old is she? A About sixteen.
 Q Next child? A Napoleon.
 Q How old is he? A Ten years old.
 Q Is that all? A Yes sir.
 Q Are these children both living and living with you at the present time? A Yes sir.
 Q Are you the father of these children? A Yes sir.
 Q Is your present wife the mother of both of them? A No sir.
 Q Who was the mother of the oldest child? A Elizabeth Sizemore.
 Q Who was the mother of the next child? A Minnie Davis.
 Q Have you any evidence of your marriage to your first wife?
 A None here; but Dumont married me the first time.
 Q Who was Wat Dumont? A Man living at Tuleague.
 Q Was he a minister? A Yes sir.
 Q When were you married the first time? A About thirty years ago.
 Q Does your name appear upon the roll of 1880? A I guess it did.
 Q Were you married to this Elizabeth Sizemore then? A Yes sir.
 Q Have these two children always lived in the Cherokee Nation?
 A Yes sir.

(1880 Roll, Page 25, 3203, Tom Davis, (Census name D'at)
 (1880 Roll, Page 25, 3204, Jessie Davis, (Census name D'at)
 (1880 Roll, Page 145, 3154, Thomas Davis, (Census name D'at)
 (1880 Roll, Page 202, 3115, Minnie Davis, (Census name D'at)
 (1880 Roll, Page 145, 3170, Julia Davis, (Census name D'at)
 (1880 Roll, Page 145, 3171, Napoleon Davis, (Census name D'at)

Q What day of the month was Napoleon born? A Born on the last day of February.
 Q 1880? When was his last birth day? A Last February.
 Q How old was he then? A I do not remember; his mother claimed he was eleven years old the last day of next February.
 Q Then this child was born before you were married to your wife, was he not? A No sir.
 Q How long after you were married was the child born? A I can not tell you exactly how long; a year or two years.
 Q Then the child can certainly not be eleven years old next February? A They have got his age; I can produce his age from his mother.

By Mr. J. J. Hough, Cherokee Representative:

Q Did your wife have any children when you were married to her?
 A Yes sir.
 Q How many did she have? A Two.
 Q What is the name of the oldest child? A Mack Chastern.
 Q How old is that child? A Twenty.
 Q What is the name of the next one? A Allie.
 Q Did she not have one at one time that you called either Hag or Snag? A Yes sir; she has a boy, Robert Chastern's son; his name is on the roll as Allie.
 Q About how long before you married your present wife, did your former wife die? A About two years.

By the Commission:

The applicant applies for the enrollment of himself, wife and two children. He is identified upon the authentic roll of 1880 and the census roll of 1890, as a native Cherokee. He has lived in the Cherokee Nation for fifty years, and he will be listed for enrollment as a Cherokee citizen by blood.

He produces a marriage certificate, certifying that he was married to one, Minnie Brown, a white woman, on the 25th day of March, 1880. She is identified upon the roll of 1890, as an adopted white, and as the wife of the applicant.

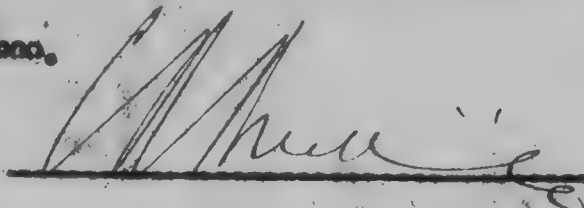
They have lived together since their marriage, and she will be listed for enrollment as a Cherokee citizen by intermarriage.

His eldest child is identified on the roll of 1899. This child's mother, the applicant's former wife, Elizabeth Rogers, is identified with the applicant on the authenticated roll of 1899, as an adopted white. Proof as to the residence of this child in the Cherokee Nation having been made, it, John Davis, will be listed with its father as a Cherokee citizen by blood.

He swears that he was married, and produces evidence as to that fact, on the 25th day of March, 1899. He makes application for the enrollment of one child, which he states will be eleven years of age February, 1901. He is not positive as to the exact date of the birth of this child, and for this reason the child, Napoleon Davis, will be placed on what is known as a doubtful card. The applicant will be required to furnish the Commission satisfactory proof that this child was born after he was married to his present wife, Minnie B Davis (Brown), a white woman. The child will be listed as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 31st day of October, 1900.



COMMISSIONER.

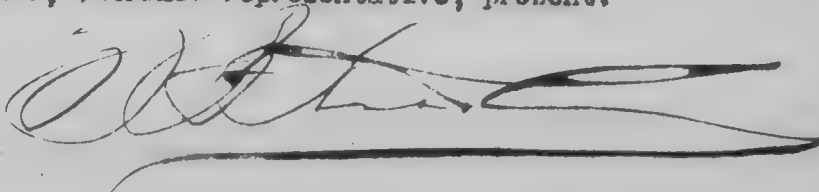
Supl.-C.D.#764.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of NAPOLEON DAVIS
as a citizen of the Cherokee Nation:

The applicant's father, Thomas Davis, was notified by registered letter February 18, 1902, that the application of his son, Napoleon Davis, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date he might appear before the commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting said application. Receipt has been acknowledged of Commission's letter. The applicant's father, having this day, to-wit: the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final ~~summary~~ decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee representative, present.



Commissioner.

J.O.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Napoleon Davis as a citizen by blood of the Cherokee Nation.

DECISION.

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The record in this case shows that on October 31, 1900, Thomas Davis appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of his minor child, Napoleon Davis, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Napoleon Davis is the son of Thomas Davis, a Cherokee by blood, identified on the Cherokee authenticated tribal roll of 1860, by his lawful wife, Minnie Davis. The evidence does not clearly show that the said Napoleon Davis was born after the marriage of Thomas Davis and his wife, Minnie Davis, March 25, 1890, but this is immaterial in determining the right of Napoleon Davis to be enrolled as a citizen of the Cherokee Nation, for it is provided in Section 692, of the Laws of the Cherokee Nation (Compilation of 1892):

" that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The said Napoleon Davis is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Napoleon Davis has always lived in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Napoleon Davis should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 26, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1902

HENRY L. DAWES
TAMS BIXBY,
THOMAS D. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 764.

ALLISON I. AVILES WORTH
SECRETARY

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Napoleon Davis as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 51.

Napoleon Davis

A. Original testimony. Oct 31 - 1960

B. Mem. of application. Oct 31-1900

Notice of final Consideration, 9/8/02

D Order closing testimony 3/8/02

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Sept. 26, 1907. C. A. Lord & Co. trans-
ferred to G. R. ... 509646



See jackets No 5128 and
No 10707.

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DEPT. OF THE INTERIOR.

COMMISSION TO THE NINE CIVILIZED TRIBES.

Chickasaw, I.T. October 31, 1900.

IN RE MATTER OF THE APPLICATION OF EDITH BELLE PHEASANT FOR THE
ENROLLMENT OF HERSELF AND ONE CHILD AS CHEROKEE CITIZENS.

The said Edith Belle Pheasant, being sworn and examined by Commissioner C. F. Mackinridge, testified as follows:

Q Give me your full name. A Edith Belle Pheasant.
Q How old are you? A Thirty years old.
Q What is your post office? A Catoosa, I.T.
Q Do you live in Catoosa District? A I do.
Q Do you want to enroll yourself and family? A Myself and
child.
Q Just one child? A Yes, sir.
Q Are you a Cherokee by blood or by adoption? A By adoption.
Q A white woman? A Yes, sir.
Q What was the name of your husband? A George Pheasant, enrolled
on the original roll of 1890.

Q When did you marry him? A On the 6th day of October, 1898.
Q Was George Pheasant a Cherokee? A No, sir.
Q How long has he lived in the Cherokee Nation? A All his
life, I presume.

Q Have you a certificate of marriage to him? A Yes, sir.

THE COMMISSIONER: The applicant presents a license issued by the
Clerk of United States Court, Northern District Indian Territory, Sep-
tember 28th, 1898, authorizing marriage between G. W. Pheasant and Miss
Edith Petty. The certificate shows that they were united in marriage
on October 6th of the same year by the Rev. F. M. Bean. This is
filed herewith.

Q Is your husband Pheasant living now? A Yes, sir.
Q Are you and he living together at this time? A No, sir.
Q You have not been divorced from him? A No, sir.
Q Did you leave him or did he leave you? A He left me.
Q Were you ever married except to him? A Yes, sir.
Q How often were you married before you married him? A Once
before.

Q Who was your first husband? A John T. Petty.
Q Was he a white man or a Cherokee? A A Cherokee.
Q Is he dead? A Not within my knowledge.
Q When did you marry him? A I married him the 27th of October,
1891.

Q Have you a certificate of marriage to him? A My certificate
of marriage to him is filed with the Dawes Commission in my application
for citizenship.

THE COMMISSIONER: The records of the Dawes Commission, Docket A.,
page 419, No. 2584, show that Edith B. Petty applied to the Dawes
Commission for admission as a Cherokee citizen by intermarriage Sep-
tember 8th, 1896, and her application was granted. No appeal was taken
from that decision.

Q When did you separate from your husband John T. Petty? A I
can't tell you the date.

Q What year? A During the same year.

Q During the year 1891? A No, we were married in 1891 and I
separated from him in 1891.

Q You got a divorce from him, did you? A Yes, sir.

Q You have never secured a divorce from your husband George Pheasant? A No, sir; I never made no application to.

Q You say George Pheasant abandoned you? A Yes, sir; he did.

Q Did he go away from the home? A We was stopping at Mrs Cary's and he left me there

Q Where is he now? A I presume he is in Canadian District.

Q Are you still living where you were living at the time he left you? A No, sir. I live near Catoosa now.

Q Did he leave you at the place you were then living? A Yes, sir.

Q You never applied for a divorce? A No, sir; not from him.

Q Do you care to make any statement as to his reason for leaving you? A All the reason he gave was he didn't like this part of the country and he preferred taking his allotment in Canadian District, and I wouldn't go with him. I had bought a place up here and put everything I had in it, and I objected to going, and he went away on that account.

Q When was it you say he left you? A He left me a year ago this last July.

Q 1899? A Yes, sir.

Q He has not been back to see you since? A He never has.

Q Has he communicated with you? A No I never heard from him but once since and the he asked me to go to Canadian to stay with him and I objected to going.

Q Give me the name of your child. A Thomas Marcus Pheasant.

Q How old is that child? A He was a year old the third day of September.

Q This child appears to have been born some fourteen months after your husband left you? A No, sir; he left me on the 22nd of July and the child was born the following September.

Q You had lived in Canadian District before living here had you? A Oh, yes. That was my home for a number of years. I only came here the 7th day of July will be a year this last July since I came here.

Q You married in Canadian district, did you? A Yes, sir. I have only lived in this country a little over a year.

Q You came here and bought a place? A Yes, sir.

Q And Pheasant wanted to go back to the old home? A Yes, sir; he wished to return to Canadian District.

Q Has he a home up in Canadian district? A No, sir; not that I know of.

Q Would you recognize him as your husband if he came back to you? A Well, hardly, because he abandoned me before the child was born, and I wouldn't hardly feel like recognizing him again.

Q Your idea is that you would refuse to recognize him because you consider that he has neglected and abandoned you? A I do.

Q What was his idea about going back to Canadian District? Did he propose taking a farm up there? A He said he proposed taking an allotment there.

Q He wanted to get ready for an allotment? A That is what he said, he didn't like this country, and didn't want his lands up here. He said he didn't like it after he moved here.

Q And he proposed to sell out here and put his interest back there? A He had nothing to sell. I had bought the place and he owned no interest in it. He had nothing when we were married. I had a few head of cattle and bought the place with his sanction. After the place was bought he proposed going back.

Q Couldn't you have sold the place for a reasonable value? A I don't know. I didn't try. It was a place that was suitable in every respect, and I was well satisfied with it. I didn't like to live in Canadian District.

Q Was Pheasant ever married before he married you? A No, sir.

Q How old is he? A Well, I would presume he is about thirty years old. The full bloods as a rule don't know their exact age.

Q About thirty when he married you? A About thirty at the present. We have been separated a little over a year.

Q And he never lived with any other woman as his wife? A Not that I know of.

1880 Roll, page 2, No. 22, Geo. Pheasant, Orphan Bell, Canadian District. Native Cherokee. Twelve years old.

1896 Roll, page 56, No. 1540, Geo. Pheasant, Canadian District.

1896 Roll, page 91, No. 216, Edith Petty, Canadian District.

Q Where were you living when you married Pheasant? A I was living four miles north of Texanna in the Canadian District in the Cherokee Nation.

Q How long did you live there with him? A We were married in October and we left there the following July and came up here..

Q How did you happen to come down into Cooweescoowee District? A There was quite a colony of people from that neighborhood moved up here thinking they would better their conditions to be in readiness for an allotment of lands, and we came along with them. We came up first and looked at the country, and he appeared highly satisfied, and then we went back and got what little we had and our household effects, and we came up here, and I bought a place, and after the place was bought--I can establish the fact my health was in such a condition I couldn't have possibly gone with him--he went away and left me.

Q When he first left you what did he say he was going away for? A Going to Catoosa to hunt work he told me.

Q Then he came to Claremore and got work, did he? A That is the way I have been informed, that he came here and got work, and then after he got some work at Claremore he went to Canadian District.

Q Did he write to you from Canadian district? A He did the next April.

Q That was how long after he left you? A We left the 22nd day of July and I received a letter from him the next April, and I never heard a word from him before that.

Q What did he say? A He said he had regretted leaving me, and that if it was to do over again he wouldn't do it, and he requested me to write him and inform him of the health of the baby and myself, and he said he wished I would come up there. He didn't claim he had any home of any way to make a living.

Q Did he say he wanted you to live with him? A He said he would like for me to come back to Canadian District, he didn't say living with him.

Q And you wouldn't do it? A No, sir. Everything I had was invested here and I wouldn't do it.

Q He offered you no home in Canadian? A No, sir. He had no home for himself. He was a laboring man.

Q His only offer was for you to break up the home you had? A Yes, sir; and return and live on some one else's place.

Q You had a home in Canadian District, did you, when you came here? A I did.

Q What did you do with that home when you and your husband came here? A I sold it.

Q You had no home to go back to? A No, sir.

THE COMMISSIONER: The applicant applies for the enrollment of herself and one child. She is shown to have been admitted to citizenship by the Dawes Commission as an intermarried citizen in 1896, since which time she has married her present husband, who is identified as a native Cherokee on the rolls of 1880 and 1896, and is said to have lived

in the Cherokee National life. She is identified on the roll of 1896. She has separated from her ~~husband~~ present husband, she stating that he abandoned her.

It appears from the testimony that a ground of the separation was her refusal to return to Canadian Dist. with her husband, where he desired to live and to prepare to take an allotment of land. She had invested her means in a farm, her present home, and was unwilling to leave it. The license and certificate of their marriage in 1896 are filed herewith.

It appears that both parties were free to contract marriage, but for the further consideration of the question whether the applicant is to blame for the separation between herself and husband, and whether thereby she has lost the rights that were conferred upon her, or recognized by the Dawes Commission in 1896, her application will be placed upon a doubtful card, she being classed as a Cherokee by adoption.

When she files a certificate of the birth of her child, Thomas W. Pleasant, this child will be listed for enrollment as a Cherokee by blood.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 31st day of October 1907.

W. S. McAllister
W. S. McAllister
Notary Public.

Four copies to go with D #765.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 13th, 1901.

In the matter of the application of George Pheasant for enrollment as a citizen of the Cherokee Nation; said Pheasant being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A George Pheasant.
Q How old are you? A 32.
Q What is your post office? A Texasma.
Q In what district do you live? A Canadian.
Q Who is it you want to enroll? A Myself.
Q No family? A Yes, I got a family but we separated about a year and half.
Q You don't apply for them? A No, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give me the name of your father? A Crane Pheasant.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Pheasant is all I know.
Q Is she dead? A Yes, sir.
Q Is your wife a white woman or Cherokee? A White woman.
Q Give me her name? A Eady Pettit.
Q Pettit was her name when you married her? A Yes, sir.
Q Was that her maiden name? A Yes, sir.
Q Has she ever been married before she married you? A No, sir.
Q Have you been married before you married her? A No, sir.
Q When did you and Eady Pettit marry, how long ago? A In '90 somewhere along there.
Q You and she lived together up until about a year and half ago? A Yes, sir.
Q How many children have you? A Just one, I think; I could not tell you just exactly.
Q What is the name of this child? A I think she calls it Tem.
Q Has your wife ever married since you left her? A No, sir.
Q Did you leave her or she leave you? A I left her.
Q You are to blame for the leaving are you? A I guess so, I had good reasons.
Q Did you leave her at the home where you and she lived? A Yes, sir.
Q What was the cause of your leaving her? A Her mother and me could not get along.
Q It was not any fault as far as she herself was concerned? A No sir.
Q The mother-in-law got disagreeable so you concluded to leave? A Yes, sir.
Q You went away because the mother-in-law made it disagreeable for you, did you? A Yes, sir.
Q So far as your wife was concerned, was her conduct very proper and satisfactory? A Yes, sir, with me.
Q You have never applied for a divorce from her? A No, sir.
Q And she has never applied for a divorce from you? A No, sir.
Q Who has charge of the child has she? A Yes, sir.
1880 Roll; page 26, #37, George Pheasant, Orphan Roll, Saline.
Q Did you go to school at the Orphan Asylum in 1880? A Yes, sir, I went about a year and a half.
1896 Roll; page 56, #1540, George Pheasant, Canadian.

Com'r Breckinridge:--The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood. His testimony develops the cause of his separation from his wife, Edith V. Pheasant, whose application for the enrollment of herself and child is Case D. #765. A copy of this testimony

1679
~~George Fessenden~~

will be filed with her case and proper note made upon her card.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 17th day of January, 1901.

Whitice

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 21 1901

[Handwritten signature]

ACTING CHAIRMAN

Letter from the Secretary of the Interior to the Chairman of the Commission to the Five Civilized Tribes, dated January 19, 1901.

Very respectfully,
[Signature]
Secretary of the Interior

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 17th, 1901.

IN THE MATTER OF THE APPLICATION OF Edith B. Pleasant, "D" Card
#765 - SUPPLEMENTAL TESTIMONY.

John Petty, appearing before the Commission, and being sworn and examined, testified as follows:

- Q What is your name? A John Petty.
Q What is your Postoffice? A Bennett.
Q How old are you? A Twenty eight yearsold, the tenth of next April. BY MR. W. W. HASTINGS, CHEROKEE REPRESENTATIVE;
Q Do you know Edith B. Pleasant? A Yes sir.
Q Was she formerly your wife? A Yes sir.
Q What was her maiden name? A Edith B. Brannon.
Q You married her in the year 1891? A I do not know for sure that was the year or not.
Q About what month did you marry in? A In September, it was.
Q How long did you live with her? A Six weeks. I do not know exactly how long.
Q You quit her the same year? A Yes sir.
Q Did you quit her, or did she quit you? A I quit her.
Q Where were you living at the time? A I was living with them - they was living on a rented place.
Q With her parents? A Yes sir, with her mother and her step father.
Q What was the cause of this separation? A There was no cause at all, except me and her mother had a little falling out, and I asked her if she wanted to come with me. I went around and rented a place, and asked her if she wanted to come with me, and she told me we never did get along, and I told her very well; I wanted to do what was right; if she wanted to live with me, she could, but she never wanted to live with me.
Q You claim you never were divorced from her? A If we were, I never knew it. We had two law suits there and the last ~~trial~~ suit we had, Mr. Boudinot claimed there was no divorce required on my part; that her name did not ~~appear~~ show on the rolls as a citizen.
Q E. C. Boudinot, was that? A Yes sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of January, 1901.


COMMISSIONER.

Robbie Scott & Associates
P.O. Box 1000
Colorado Springs, CO 80901
Phone: (719) 596-1234

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For the purpose of this study, the following variables were used:

I understand you will not have money at the time you move up here on account of the new year.

The bank moved has come at the same time as your move up so

2/a. Come with me when we go to the bank. I will be waiting for you.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of EDITH B. PHEASANT as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's registered letter, and the applicant this day appears in person by her Agent, Joe R. Sequichie.

J. C. Starr, Cherokee Representative, present.

EDITH B. PHEASANT, being duly sworn, testified as follows in her own behalf:
MR. SEQUICHIE:

Q What is your name? A Edith B. Pheasant.

Q Your age? A I am about 33.

Q Your post office? A Catoosa, Cooweescoowee district.

Q Mrs. Pheasant, you applied on the 31 day of October, 1900, for enrollment as a citizen of the Cherokee Nation by intermarriage?

A Yes, sir.

Q And the question as to your abandonment; well, now, how long did you live with this man? A You will have to speak a little louder.

Q What is the name of your husband? A George W. Pheasant.

Q How long did you live with him? A We was married on the 6th day of October, 1888 and he left me on the 22d day of July, 1889.

Q Lived together about one year? A Not quite a year.

Q Well, now, did you and he separate? A I can't say that we did; he left me he went away to hunt work.

Q What did he say before he left? A The last, he said he was going to hunt work. He was going to Catoosa to hunt work.

Q Had he ill feeling between you and him when he left?

A No, sir.

Q What was the condition of your health at the time he left?

A Very poor; I was in bed part of the time, under the care of the Doctor, at the time he left.

Q Well, now, how long after he left that time did you see him again? A I never saw him to speak to him afterwards.

Q You never heard from him; he never supported you?

A He never offered me any assistance; I received one letter in April after he left me in July.

Q What did he say in that letter? A He expressed a regret that he had done the way he had, and wished I would come back; we was originally from Canadian and he said he was sorry for the way he had done and I wished you would come back.

MR. STARR:

Q Where were you living at the time of that separation?

A We was stopped at Mr. Perry's house, three miles north of Catoosa.

Q Where had you been living before that? A We had lived in Canadian district, near Texana.

Q How long had you been living where you were living at the time of the separation? A We had only been stopping there about two weeks, rather we had been there about two weeks.

Q Was your mother living with you before your separation? A No, sir, my mother left here with us, she came with us when we moved up here on account of my health.

Q I understood your mother moved with you when you moved up to Cooweescoowee district? A No, sir; she never moved she came with us.

Q Was she there at the time of the separation? A Yes, sir.

Commission: The agent for the applicant and representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 10th, 1902.

In the matter of the application of Edith B. Pleasant for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-765.

EDITH B. PHEASANT, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Edith B. Pleasant.
- Q. What is your age at this time? A. Well, I can't give you my exact age but I will be, in October, 32 or 33.
- Q. What is your post office at this time? A. Catoosa, I. T.
- Q. Are you the same Edith B. Pleasant who made application to this Commission for enrollment as an intermarriage citizen in October, 1900? A. Yes, sir.
- Q. Is your husband living? A. Yes, sir.
- Q. What is his name? A. George W. Pleasant.
- Q. Is he a Cherokee by blood? A. Full blood; yes, sir.
- Q. When were you married to him? A. Married on the 6th day of October, 1898.
- Q. Had he ever been married prior to his marriage to you? A. No, sir.
- Q. You are his first wife? A. Yes, sir; I was his first wife.
- Q. Had you ever been married prior to your marriage to George Pleasant? A. Yes, sir.
- Q. How many times? A. I was married once in the Cherokee Nation to John T. Pettit.
- Q. John T. Pettit was your first husband? A. My first husband; yes, sir.
- Q. He was also a Cherokee by blood? A. Yes, sir; Cherokee by blood.
- Q. Is John T. Pettit alive? A. I am sure I don't know.
- Q. Did you and he separate? A. We did; yes, sir.
- Q. How long after you were married to John T. Pettit before you and he separated? A. We was married in the fall sometime. I forget the dates. We separated sometime in the winter. My marriage certificate is with the Dawes Commission. I have forgotten the dates.
- Q. Where were you living when you and John T. Pettit separated? A. We were living in Canadian district about 12 miles east of the town of Checotah. I think the place was Checotah. That was in the Creek Nation. Here is the original application I made to the Dawes Commission for admission to citizenship as an intermarried citizen.
- Q. You made application to the Dawes Commission in 1896 for admission as an intermarried citizen? A. Yes, sir. I sent in my marriage certificate, which was placed on file and never returned, and that is the reason I can't give you the correct dates.
- Q. Were you separated from Pettitt when you made application in 1896 to the Dawes Commission? A. Yes, sir.
- Q. You and he had already been separated? A. Yes, sir; already separated but not divorced.
- Q. Well, now, after you were admitted by the Dawes Commission in 1896 did you sue for and obtain a divorce from Pettitt? A. Yes, sir.
- Q. What court? A. Right here at Muskogee. Judge Pears was my attorney.

Q. Since you obtained a divorce from Pettit you married again, have you? A. Yes, sir; a full blood Cherokee.

Q. His name is----- A. Is Pheasant.

Q. When you and Pettit separated did he go off and leave you? A. Yes, sir. We disagreed on account of my not wanting to live in the house with his parents.

Q. And after you were admitted in 1896 you applied for and obtained a divorce? A. Yes, sir; a year afterwards.

Q. When you married Pheasant? A. Yes, sir.

Q. Pheasant is your second husband? A. Yes, sir.

Q. He is also a Cherokee? A. Yes, sir; Cherokee by blood.

Q. You married Pheasant in 1898? A. Yes, sir; sixth day of October.

Q. You were never married to any other man except Pettit and Pheasant? A. No, sir.

Q. Both of them are Cherokees. A. Both of them are Cherokees.

Q. Do you live with Pheasant? A. No, sir; he left before the baby was born.

Q. Well, where were you and Pheasant living when you separated? A. Lived near Catoosa; within three miles of Catoosa.

Q. Living in the country on a farm? A. Yes, sir; stopping on a place there and then we moved to our own.

Q. What was the cause of this separation? A. Well, sir; I would give a good deal to know that. He told me he was going to look after work one Saturday and that ~~that~~ is the last I saw of him. I wrote back to where we come from to let me know if he showed up. We never had any trouble. I never have seen him since.

Q. When was that? A. 22nd day of July, 1899.

Q. You have never seen or heard of him since? A. I have never seen or heard of him since. The baby was born after that and he never returned to see that.

Q. Never been back to see you or the child either? A. No, sir; never has been there.

Q. Have you got the child at present? A. Yes, sir.

Q. Have you supported yourself and that child ever since you separated from Pheasant? A. Yes, sir; I have. I haven't had any assistance whatever only my daily labor.

Q. Where have you lived since you were admitted in 1896 by the Dawes Commission? A. Well, until the year 1899 in Canadian, near Texanna.

Q. Cherokee Nation? A. Yes, sir; Cherokee Nation. Then I moved in the neighborhood of Catoosa. I have resided there continuously for the last three years.

Q. Is Catoosa in the Creek or Cherokee nation? A. Cherokee nation.

Q. You have resided continuously in the Cherokee Nation? A. Yes, sir.

Q. You were living in the Cherokee Nation when you made application in 1896? A. Yes, sir; living in Canadian.

Q. This child of yours, that is still living and has always lived with you in the Cherokee Nation? A. Yes, sir; always been right under my charge.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ¹²~~th~~ day of December, 1902.

Jesse O. Carr
Be Jones
 Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Edith B. Pheasant for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 31, 1900, Edith B. Pheasant appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. The application included her son, Thomas M. Pheasant, but, as he is differently classified, he is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 17, 1901 and on March 8, 1902. The testimony in the matter of the application of George Pheasant for the enrollment of himself as a citizen of the Cherokee Nation, on January 18, 1901, is made a part of the record in this case.

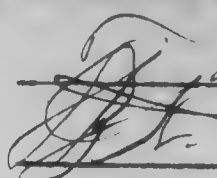
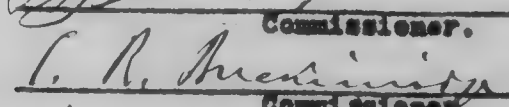
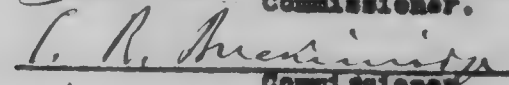
The evidence shows that the said Edith B. Pheasant, a white woman, was lawfully married to John T. Petty, a citizen by blood of the Cherokee Nation, on October 27, 1891. The said John T. Petty left his wife a short time after their marriage and, without getting a divorce from John T. Petty and during his life time, the applicant, Edith B. Pheasant, married George Pheasant, a citizen by blood of the Cherokee Nation, on October 6, 1898.

The records in the possession of this Commission show that on November 6, 1896 the said Edith B. Pheasant, at that time Edith B. Petty, was admitted as an intermarried citizen of the Cherokee Nation by this Commission under the provisions of the Act of Congress approved June 10, 1896, and no appeal was taken from this decision. Edith B. Pheasant is identified on the Cherokee Census roll of 1896.

It further appears from the evidence that the said Edith B. Pheasant has lived in the Cherokee Nation since her marriage to John T. Petty in the year 1891 and that she was a resident of said Nation at the date of her application.

It is, therefore, the opinion of this Commission that Edith B. Pheasant should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1902.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO REPLY TO THE FOLLOWING

Cherokee D 765.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Edith B. Pheasant for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, granting the application of Edith B. Pheasant. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 12.

Edith B. Pheasant

A Original testimony. Oct 3, 1900

B Return of application. Oct 5, 1900

C Marriage license and certificate.

D Additional testimony Jan 15-1901

E Supplemental testimony. Jan 17-1901

F Notice of final consideration, 3/8/02

G Receipt for testimony

H Dup test & order closing test 3/8/02

I See Packet No 3173 and

No 11055, 1047, 703 & 578

Cher D 766

Cher D 766

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., October 31st, 1900.

In the matter of the application of Henry B. Wilson for enrollment as a Cherokee citizen. He being first duly sworn testified before the Commission as follows:

- Q What is your name? A Henry B. Wilson.
Q How old are you? A 43.
Q What is your post-office? A Blue Jacket, I. T.
Q Do you live in Cooweescoowee District? A Yes sir.
Q Who do you want to have enrolled? A Just myself.
Q Are you a Cherokee by blood? A No sir.
Q Let me see your marriage license and certificate.
Applicant presents a license issued by the Clerk of Delaware District, March 24th, 1880, authorizing his marriage to Sarah H. Fields, and the certificate shows that they were married by the clerk of the district. The date of the certificate is lost, but the indorsement shows that the application was recorded on the 26th of March, 1880.
Q Are you on the roll of 1880? A Yes sir. (Then you can keep this marriage license and certificate.)
Q Your wife, Sarah M. Fields, is she living? A Yes sir.
Q Are you living with her? A No sir.
Q When did you separate from her? A She left me in 1881.
~~Q Have you ever married since she left you? A No sir.~~
Q Have you continued to live in the Cherokee Nation since 1880?
A Yes sir, ever since.
Q Was you divorced from her? A No sir.
Q How did she happen to leave you? A Just pulled out.
Q Have you ever been denied the right to enrollment by the Cherokee authorities since? A No sir.
Q Did you ever apply to the Dawes Commission for enrollment since?
A No sir, this is the first time.

1880 roll, page 197, No. 3149, Abers Wilson, Cooweescoowee Dist.

- Q Were you permitted to enroll when the census roll was taken in 1896, four years ago? A Yes sir.
Q You have not lived with any other woman since your wife left you in 1881? A No sir.
Q How did she leave you? A Just left and went to her father's and I staid where I was and am living there yet.
Q Do you care to give any reason for her leaving you? A I have never been able to find out.
Q Has she ever married since she left you? A Yes sir she is supposed to be married.
Q Who did she marry? A A fellow named High.
Q Is he living? A Yes sir.
Q What is his full name? A Albert High, I think.
Q I notice on that marriage license that you have there, that there is marked "Exhibit 'C' and Exhibit 'B'"--- A I don't know anything about it.
Q Has this never been used in any legal proceeding? A I don't think it has--- I don't know.
Q Never has been used in any court proceedings that you know of?
A No sir.
Q This has always been in your possession has it not? A Yes sir it has been in my possession a good many years.
Q And it has never been used in any court proceedings that you know of? A No sir I don't know anything about it.
Q I notice that part of this paper here containing license and certificate has been torn off apparently? A It looks as if it had been

Henry B. Wilson 2.

torn.

Q. Here is a postal card that was filed here by your former wife, addressed to Mrs. Sarah Wilson and signed by the Clerk of Delaware District and dated September, 17th 1888, stating "Your divorce was granted at the last term of Court, Delaware District." There is official evidence that you are divorced from that woman. A It is the first I ever knew about it.

Q. Was no summons served on you? A. No summons, or notice in any shape or fashion.

Q. Did they ever call you Monroe? A. Yes sir but it is not my name.

1880 roll, page 197, No. 2150, Mary Wilson Cooweescoowee District.

Q. Have you lived at home and all by yourself since your wife left you? A. No sir.

Q. Who is it that you have been living with? A. Been living with Frank Royd mostly.

Q. You haven't raised a family of children by another woman? A. No sir.

Q. There are no children now in the Territory that claim to be of your family? A. No sir.

Q. And you state now positively that you never received any summons or notification of divorce proceedings on the part of your wife Sarah? A. Never did.

Q. And that you never heard that she got a divorce until you heard it now? A. Never heard it until now.

By Cherokee Representative Hastings:

Q. Where have you been living since 1880? A. On Cabin Creek.

Q. In the Cherokee Nation? A. Yes sir.

Q. With whom? A. Frank Royd.

Q. Did you ever temporarily reside outside of the Cherokee Nation since 1881? A. No sir.

Q. Ever married since then? A. No sir.

Q. Ever lived with any other woman as your wife since then? A. No sir.

Q. Have you ever had any children by any other woman since 1881? A. No sir.

Q. You don't know what grounds for divorce were alleged by her? A. Never heard about it until now.

Q. You swear then positively that you have never lived with any woman or had children by anybody since 1881? A. Yes sir.

Q. How long did you live with your wife? A. About a year.

Q. Why did you leave her? A. Never left her, she left me.

Q. What was her maiden name? A. Fields.

Q. What is her father's name? A. Tommy Fields.

Q. Is he living? A. No sir he is dead.

Q. Where are you living now? A. Same place that I did when I lived with her, 14 or 15 miles from Vinita, Blue Jacket is my post office.

Q. How far from Blue Jacket? A. 7 or 8 miles.

Q. Why didn't you come to Vinita to enroll? A. I did come there and couldn't get in. I came there and staid two days; you quit before I got in. Thought you were coming to Blue Jacket, but you didn't and I have come here.

By the Commission. THIS MARRIAGE LICENSE and certificate is filed with application.

The applicant is identified with reasonable certainty on the roll of 1880 as an intermarried Cherokee. He is a white man, and there filed herewith a Cherokee license and certificate showing his marriage to his Cherokee wife in March 1880. He is not identified on the roll of 1896. He states that he has lived in the Cherokee Nation ever since 1880, and that he and his wife separated in 1881. He claims that she left him; the evidence shows that she was granted a divorce from him. He states that he has not married since he

Henry B. Wilson 3

and his Cherokee wife separated in 1881, nor lived with any other woman as her husband. Reference is made for the further consideration of this case to the application of his wife's present husband, Albert J. High, for the enrollment of his wife and others, Card D 491, and a copy of this testimony is ordered to be filed with that case as it contains testimony affecting the rights of those in that application.

This application will be placed on a doubtful card for further consideration, and the final decision will be made known to the applicant at his post-office address.

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Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. von Weise.

(signed)

Subscribed and sworn to before me this 31st of October, 1900.

(Seal)

(signed) M. D. Green,
Notary Public.

DEF
COMMISSION

THE UNITED STATES
OF AMERICA
TO THE CIVILIZED TRIBES.

RECEIVED
OCT 11 1900

A. T. NG CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

OCT 31 - 1900

1900.

43 Name Henry B. Wilson, Blue Jacket St. Date 1885 Page 197 No. 2149
 District COOWEE SCOWEE. Year 1885 Page 197 No. 2149

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee

Date of marriage March 1885

License

Certificate

Wife's name Roubtger

District

Year

Page

No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License Filed OCT 31 1900

Certificate Filed OCT 31 1900

Names of Children:

Dist.

Year

Page

No.

Age

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Car. H. Roll as Albert Wilson

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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

CONFEDERATED TRIBES

1880

1880

ACTING CHAIRMAN

On Feb. 11, 1880, the following was received from the

Green. L. H. 1880

1/4 of land

1/4 of land

1/4 of land

Exhibit
"D"

Exhibit
"B"

Wherefore, I, any of the Judges & Justices
of the District of this nation, may regularly
ordained ministers of the Gospel,
you are hereby authorized to solemnize the
rites of matrimony between Henry B. Wilson
(a citizen of the United States) and Sarah A.
Childs a Chieftess by blood. The having com-
plied with the requirements of the Act (regu-
lating intermarriage of white men and
foreigners)

Given power under my hand and
seal of office on this the 24th day of March
A. D. 1884.

H. J. Sanderson
Clerk W. C. Dist. C. M.

Exhibit
"C"

This is to certify that I have this day
solemnized the rites of matrimony
between the above named parties.

H. J. Sanderson

Exhibit
"D"

CHIEF CLERK

CHIEF



Executive Department,

CHEROKEE NATION

Tahlequah, I. T. Nov 6th

1900

I B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the the following entry appears of record at page 145 No 14 Docket A Civil Cases Circuit court Delaware District to wit:

"14 case.

Sarah Wilson

Vs

For Divorce.

H. M. Wilson.

Judgment rendered in the above case by default of defendant in the above case this the 11th ~~day~~ Sept. 1885.

T. J. McGhee, Clerk Del. Dist."

I further certify that I am the custodian of the records of the Cherokee Nation and that said Record is now in my office.

Given under my hand and the seal of the Cherokee Nation this the 6th day of November A. D. 1900.

B. W. Alberty

Ass't Executive Secty Cherokee Nation.

Cherokee Nation.

Executive Office Cherokee Nation.

1881. 1882. 1883. 1884. 1885.

Given under my hand and the
in my capacity.

of Delaware District Cherokee
the body taken in 1881.

the Cherokee Nation
Executive Office Cherokee Nation.

Executive Office Cherokee Nation.

1881. 1882. 1883. 1884. 1885.

1881. 1882. 1883. 1884. 1885.

1881. 1882. 1883. 1884. 1885.

1881. 1882. 1883. 1884. 1885.

14 Case, Sarah Willson

Vs.

H.M. Willson

Judgement rendered

For divorce.

in the above case by default defendant
abv case, this the 11th dx Sept .1889.

T.J. McGhee, Clk Del Dist.

Executive Office Cherokee Nation,

Tahlequah Ind Ter.

J. B. W. Alberty, assistant Executive secretary of
the Cherokee Nation, do hereby certify that the foregoing is a
true copy taken from the books of civil cases of the Circuit Court
of Delaware District Cherokee Nation now filed in this office and
in my custody.

Given under my hand and the seal of the Cherokee Nation this the
12th day of September 1901.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Henry
for enrollment as a Cherokee Freedman.

B Wilson
No. 766 D.

Henry Pack, of lawful age, being duly sworn on
oath states that on the 5th day of October, A. D., 1901, he registered
to Henry B Wilson whose postoffice is Bluejacket
Indian Territory, a notice, a true copy of which is attached to this affidavit, a ~~copy of the receipt of the~~

~~copy of the receipt of the~~ Indian Territory;
and that on the 9th day of October, 1901, he received the return
card which is hereto attached, signed by the said Henry B. Wilson, showing
that he had received said notice.

Subscribed and sworn to before me on this the 9th day of Oct, A. D. 1901.

Henry Pack
E. Starr
Notary Public.

C D. 766

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190..

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the ... day of ... A. D. 190 ..

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Henry B. Wilson,
for enrollment as Cherokee citizens:

Case No. D 756

To Henry B. Wilson, Bluejacket, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on October 11th, 1901, at 2 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 5th, 1901.

W. W. Harrison

J. L. ...
Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 11, 1901.

In the matter of the application of Henry B. Wilson for enrollment as a Cherokee by intermarriage.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant not present or represented;
W.W.Hastings and J. L. Baugh, Cherokee representatives.

Commissioner: Proof of service made; applicant three times called and appears not by himself or his attorney.
Cherokee Nation present by Messrs. Baugh and Hastings.

J. H. McGee, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A J. H. McGee.

Q What is your age? A I am 45 years old.

Q What is your post-office? A Kennison.

Q Do you know a man who has applied to be enrolled as an adopted citizen of the Cherokee Nation by the name of Henry B. Wilson, who claims that his post office is Bluejacket? A Yes, sir, I know him.

Q How long have you known him? A Known him about 20 years.

Q Do you know his first wife? A Yes, sir.

Q What was her name? A Sarah Fields.

Q She is divorced from him? A Yes, sir, she is divorced from him.

Q What is her name? A Named Hight, married Albert Hight.

Q Married Albert Hight since? A Yes, sir, Albert Hight.

Q Well, about when did Henry Wilson and his former wife separate?

A I don't know, it was somewhere about '81 or '82, might have been '82.

Q Have you known him since then? A I knowed him pretty near all the time, he went off to Mexico and stayed about a year and came back and I have known him ever since.

Q Has he been living ever since that time in the Cherokee Nation?

A Been living where he is now, up there about 12 or 15 miles.

Q Do you know with whom he is living? A Living with Lizzie Boyle.

Q How long had he been living with her? A About 15 or 16 years.

Q What is her citizenship? A She is a white woman.

Q Is he holding her out to the community as his wife? A I suppose so, he calls her his wife and has got children by her, I suppose she is.

Q How many children? A Got about six.

Q Now has he lived with continually all the time that length of time? A Yes, sir.

Q And living with her now? A Yes, sir.

Q They occupy the same house? A Yes, sir, and he provides for her.

Q And they are known through the community as husband and wife?

A Yes, sir, she calls him her husband and he calls her his wife; he calls her crazy sometimes, says that she goes crazy.

Q How far do you live from him? A I live about eight or nine miles.

Commissioner: What is your occupation? A I hold some stock up there and run a farm.

Q Do you know whether there was any marriage ceremony performed between them? A I don't know anything about that, I never saw it, they claim they were married.

Q They claim they were married? A Yes, sir; I went with Sarah Fields when she went to get a divorce, to Jeff McGee.

Q Is he living on a farm? A Yes, sir, living on a farm I think.

DANIEL SPUNARGLE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Daniel Spunargle.

Q Are you a citizen of the Cherokee Nation? A No, sir.

Q You are a white man? A Yes, sir, supposed to be.

Q What is your age? A 56.

Q What is your postoffice? A Kennison.

Q How long has that been your postoffice? A Well, it has been my postoffice for right on ever since it was established there.

Q How long ago was that? A I don't remember just how long it has been, some eight or nine years I guess.

Q Well, you have been living in that neighborhood up in there eight or nine years? A Not all the time, I lived there but I have been away from there a while and I am back there now.

Q Do you know Henry B. Wilson? A Yes, sir, I know Henry B. Wilson.

Q Where is he living? A He is living southwest of Kennison about seven or eight miles I guess.

Q How far from you? A Well, it is about the same distance.

Q With whom is he living? A He just lives with his wife.

Q What is her name? A Her name is Wilson now, it was Lizzie Boyle before he married her.

Q How long has he been living with her? A I don't know exactly the length of time but he had been with her some 15 or 16 years I guess.

Q Do you know whether or not they were married? A Why they said they were married, they were supposed to be married here in this town they claim.

Q He holds her out to the community as his wife? A Yes, sir, all the time.

Q Has children by him? A I think about six or seven children.

Q You know him well, do you? A Why I know him tolerably well, he is my brother in law.

Q You married sisters? A Married sisters.

Q His last wife and your wife are sisters? A His last wife.

Q She is a white woman, is she? A Yes, sir, she is a white woman, supposed to be, she was raised in Illinois.

Commissioner: This residence that you speak of, Kennison, is it in the Indian Territory, Cherokee Nation? A Yes sir.

Q You didn't see them married? A No, sir, I didn't see them married, I never saw their marriage certificate, but they have always been known as man and wife.

THOMAS ROGERS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Thomas Rogers.

Q What is your age? A About 37.

Q Your post-office? A Kennison.

Q How long have you lived in that neighborhood? A I have lived there all my life, I was raised right there.

Q Do you know Henry B. Wilson? A Yes, sir.

Q How long have you known him? A I have known him 16 or 17 years, some where along there.

Q You didn't know him when he lived with his first wife? A Yes, sir.

Q The one married to Mr. Hight now? A Yes, sir, I knew him then.

Q Well you have known him then of course since they separated? A Yes, I have known him ever since.

Q With whom is he living now? A He is living with Lizzie Boyle.

Q What is her citizenship? A She is a white woman.

Q Do you know whether or not they are married? A I can't say, they claim they are, that is all I know.

Q Do they hold each other out to the community as husband and wife? A Yes, sir.

Q Did they have some children? A Yes, they have got six or seven somewhere along there, maybe more, I tried to count them but I couldn't do it there was so many running around there.

Q Is there any dispute up in that neighborhood about whether they are man and wife? A No, sir, never heard a word but what they are man and wife.

Q How far do they live from you? A Seven or eight miles.

Commissioner: What is your occupation? A Farmer.

Q Wilson a farmer? A Yes, sir.

SEB NALL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Sebe Nall.

Q Where do you live? A I live up near Kennison.

Q How old are you? A I am 33.

Q How long have you lived up in that neighborhood? A I have lived there 14 years.

Q Do you know the Henry B. Wilson that you have heard these other witnesses testifying about? A Yes, sir, I do.

Q How long have you known him? A About nine years.

Q What is your citizenship? A I am a white man myself.

Q You don't claim citizenship here? A No, sir, nothing more than just my wife, she is a citizen, but I don't claim none myself.

Q Well, do you know with whom Henry B. Wilson is now living? A He is living with a woman it has always been told me, by the name of Lizzie Boyle, I didn't know her before she married him.

Q Well, do you know whether or not they were married? A No, sir, I don't. I can't say whether they were married or not.

Q Well, are they living together as husband and wife? A Yes, sir.

Q Do you know whether or not they have any children? A Yes, sir. They have children, but I don't know how many.

Q How far do you live from them? A I live about nine miles.

Q What is your occupation? A Farming.

Q They living together now? A Yes, sir.

Commissioner: They recognized by the neighbors as man and wife, always have they been? A Yes, sir, they always have been.

Commissioner: This testimony will be filed with the testimony in the original case.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this 11th of October, 1901.

(signed) T.B. Needles,

Commissioner.

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M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green

Subscribed and sworn to before me this October 18, 1901.

T.B. Needles

Commissioner.

14 Case Sarah Willson
Vs
H.H. Willson

{ For divorce

Judgement rendered in the above case by default defendant in the above case this the 11th ~~day~~ sept 1889.

T.J. McGhee,
Clk Del Dist

Executive Office Cherokee Nation,
Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the record of the Circuit Court for civil cases for Delaware District Cherokee Nation, and also that said record contains relative to said case; that said record has been filed in this Office by law and is in my legal custody.

Given under my ~~own~~ hand and the seal of the Cherokee Nation, this the 5th day of March 1902.

B.W. Alberty
Assistant Ex. Sec.
Cherokee Nation

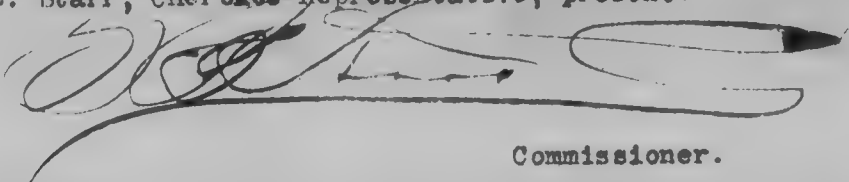
Supl.-C.D.#766.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I: T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of HENRY B. WILSON
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this day, to-wit: the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee Representative, present.



Commissioner.

J.O.R.

CR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry B. Wilson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on October 31, 1900, Henry B. Wilson appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 11, 1901.

The evidence shows that the said Henry B. Wilson, a white man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, in March 1880, to Sarah M. Fields, a citizen by blood of the Cherokee Nation. In 1881 Henry B. Wilson and his said wife separated, and in 1885 a decree of divorce by default was entered in favor of said Sarah Wilson against her husband, Henry B. Wilson. About the time that said divorce was granted to Sarah Wilson, Henry B. Wilson married Lissie Boyle, a white woman. Henry B. Wilson is identified on the Cherokee authenticated tribal roll of 1880, but his name cannot be found on the Cherokee Census roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892), provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application of Henry B. Wilson for his enrollment as a citizen by

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+ 2 +
intermarriage of the Cherokee Nation, should be denied, and it is
so ordered.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

John B. Ely

John B. Ely

John B. Ely

(SIGNED)

C. R. Breckinridge

C. R. Breckinridge

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

ATTORNEYS:

W. W. HASTINGS, Tahlequah, I. T.
J. L. BAUGH, Chouteau, I. T.

STENOGRAPHER:

J. C. STARR, Vinita, I. T.

MARSHALS:

JOHN PARKS, Vinita, I. T.
W. B. WYLY, Tahlequah, I. T.

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D 786

Ft. Gibson, I. T., Sept. 10, 1901.

Jacob Barker,

Kennison, I. T.

Dear Sir:

One Henry B. Wilson of Claremore Oct. 31, 1900 made an application for enrollment as a citizen of the Cherokee Nation stating that he was separated from his former wife who was Sarah M. Fields, about the year 1881 and that he has not since married but has been living single.

We are informed that he has a wife or a woman with whom he is living and who he holds up to the community as his wife. She also acknowledges him as her husband.

Please give us any facts you know concerning this matter.

Very respectfully,

Attys. for the Cherokee Nation

ATTORNEYS:

W W HASTINGS Tahlequah, I T
J L BAUGH, Chouteau I T

STENOGRAPHER:

J C STARR, Vinita, I T

MARSHALS:

JOHN PARKS, Vinita, I T
W B WYLY, Tahlequah, I T

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number D. 766

Ft. Gibson, I/ T., Sept. 10, 1901.

Mr. Jno. McGhee,

Kennison, I. T.

Dear Sir:

One Henry B. Wilson at Claremore Oct. 31, 1900 made application for enrollment as a citizen of the Cherokee Nation stating that he was separated from his former wife who was Sarah M. Fields, about the year 1881 and that he has not since married but has been living single.

We are informed that he has a wife or a woman with whom he is living and who he holds up to the community as his wife. She also acknowledges him as her husband.

Please give us any facts you know concerning this matter.

Very respectfully,

Attys. for the Cherokee Nation.

John
Spinnall
Tory. Rogers.
Leah Wall.

John H. McVee -
Daniel Spinnall
Thomas J. Rogers -
Sabra Wall -

Harrison

Sept 17

1901

Mr W. W. Harrison

Dear Sir, I
received your
letter yesterday
and thank you
will answer
your reply
in regard to
Henry D. Wilson
in regard to
his first wife
and his will
at the presence
and I signed
the partition

Jan. then to
Marie's death in
1864. He lived
with her about
a year in two
years he left
her destitute
and went to
Mexico and
staid out there
a year and
came back again
and married
Lizzie Daily.
and he has
been living
with her about
fifteen years
and still
living with
her in the
cabin he is living

with her
publicly and
calling her
his wife
he has got
a family of
about ten children
and if you
want any
more proof
of this get
it for you

very Respectfully

J. H. McElhee

C D. 766

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.

OCT 9 1901

NOTICE!

IN THE MATTER OF the application of Sam B. Wilson,
for enrollment as Cherokee citizens;
Case No. D 700.

To Henry M. Wilson, Muskogee, Ind. Ter.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita,
Indian Territory, on October 11th, 1901, at 3 o'clock a.m. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 5th, 1901.

W. W. Hastings

J. L. Baugh
Attorneys for the Cherokee Nation.

MARSHAL'S RETURN.

INDIAN TERRITORY, /
CHEROKEE NATION, / SS

I Herby Certify That I received the within summons on the day
of, 1901, and that I served the same by copy, as follows:

Personally at this day of 1901

Personally at this day of 1901

Personally at this day of 1901

At residence of at this day of 1901

At residence of at this day of 1901

At residence of at this day of 1901

With a member of witness's family over fifteen years of age there residing.

.....
Marshal for the Cherokee Nation.

SUBPOENA.

INDIAN TERRITORY OF THE CHEROKEE NATION
TO THE ATTORNEYS FOR THE CHEROKEE NATION

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President December 28, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons

John A. Smith, Jr., 1900, 1. 1.

to be and appear before the United States Commission at *Wichita, Kansas*,
on the *11th* day of *October*, 1901, then and there to give evidence
in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under our hands *the 5th day of October, 1901.*

W. H. Hollingsworth
J. L. Beechey

Attorneys for the Cherokee Nation

ATTORNEYS:

W W HASTINGS Tahlequah, I. T.
J E BAUGH Chouteau, I. T.

STENOGRAPHER:

J C STARR Vinita, I. T.

MARSHALS:

JOHN PARKS Vinita, I. T.
W B WYLY Tahlequah, I. T.

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D. 766....

Vinita, Ind. Ter., October 11, 1901.

Hon. P. L. Soper,

Vinita, I. T.

Dear Sir:-

At the suggestion of Col. Needles we desire to submit for your consideration for prosecution the following matter:

Henry B. Wilson applied some time last year to the Commission for enrollment as an adopted citizen of the Cherokee Nation, claiming the same by inter-marriage with a Cherokee woman, and was enrolled on Doubtful Cherokee card No. D.766. In the application he stated that he had been separated from his former wife, and that he had never married or lived with any other woman as his wife since their separation about 1881. Four reliable men, substantial residents of the Northern District of the Indian Territory, viz: John H. McGhee, Daniel Spunaugle, Thomas J. Rogers and C. Nawl, all of Kinnison, I. T., appeared before the Commission today and testified that this same Henry B. Wilson had several years ago, subsequent to his separation from his first wife, ~~had~~ married a white woman and had lived with her as his wife, acknowledging her to the community as such, and by whom he has some five or six children. These questions were asked him while he was on the stand, and he denied them flatly. Col. Needles suggested that we submit the matter to you for your consideration. All of

ATTORNEYS:

W W HASTINGS	Tahlequah, I T
L BAUGH	Chouteau, I T

STENOGRAPHER:

J C STARR	Vinita, I T
-----------	-------------

MARSHALS:

JOHN PARKS	Vinita, I T
W B WYLY	Tahlequah, I T

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number D. 766

Vinita, Ind. Ter.

P L S-2

the testimony can be found in doubtful said Cherokee card No.
D. 766.

We submit that a few prosecutions for perjury would have
a wholesome affect.

Yours very truly,

Attorneys for the Cherokee Nation.

Office of United States Attorney,

NORTHERN DISTRICT OF INDIAN TERRITORY

Vinita, I.T., October 13 1901.

Honorable

W. W. Hastings and
J. L. Baugh,

Attorneys for Cherokee Nation,

Vinita, I.T.


Gentlemen:--

I am in receipt of your favor of the 11th inst asking that criminal prosecution be begun against one B. Wilson, who made application for enrollment as an adopted citizen of the Cherokee Nation.

Will you advise me whether this man is a white man or a colored man. It must be necessary to show that this testimony is material before it could possibly be considered as perjury.

I shall be very glad to prosecute anybody against whom a case of perjury can be made under the law.

Respectfully,


United States Attorney.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 25 1902



Muskogee, Indian Territory,

February 18,

1902.

Mr. Henry B. Wilson,

Bluejacket, Indian Territory,

Sir:-

You are hereby notified that the application of
yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-766
Register.

Acting Chairman.

~~XXXXXXXXXX~~

Commissioner in Charge.

ATTORNEYS:

OFFICE OF

L. H. BELL,

W. W. HASTINGS,

JAMES H. DAVENPORT.

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWEN COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

J. C. SPAIN, REC.

Please return this letter with your reply or mention this Number F. D.

766

APR 10 1900

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 4th inst.

and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,

Your obedient servant,

L. H. BELL.

W. W. HASTINGS.

JAMES H. DAVENPORT.

Very respectfully,

L. H. BELL.

W. W. HASTINGS.

JAMES H. DAVENPORT.

COPY.

Cherokee D-766.

Muskogee, Indian Territory, December 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Henry B. Wilson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 1, 1902, rejecting said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Chairman.

Enc. H-57.

COMMISSIONERS

HENRY L. DAWES
TAMM BIRDY,
THOMAS B. NEEDLES
G. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee 2-700.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 3, 1902.

V. V. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

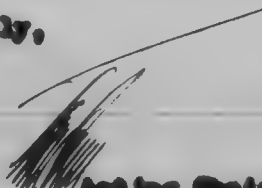
Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Henry B. Wilson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Acting Chairman.

Enc. 2-64.

COPY

Cherokee D-766.

Muskogee, Indian Territory, December 3, 1902.

Henry B. Wilson,

Bluejacket, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 1, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Sam Bixby.

Acting Chairman.

Enc. H-55.
Register.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON.

Feb'y. 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 3, 1902, forwarding, for the Department's consideration, the record relative to the application of Henry B. Wilson, for the enrollment of himself as an intermarried citizen of the Cherokee Nation.

December 1, 1902, the Commission held that the applicant was not entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The evidence in this case shows that Henry B. Wilson, a white man, was lawfully married in March 1880 to Sarah M. Fields, a citizen by blood of the Cherokee Nation; in 1881 the applicant and his wife separated, and in 1885 she procured a divorce from him. His name appears on the 1880 roll but it does not, the record shows, appear on the 1896 Census roll.

Soon after the applicant's wife, Sarah M. Wilson, obtained a divorce from him, he married Lizzie Boyle, a white woman. Section 666 of the Cherokee Laws, 1892 edition,

declares that if any man or woman becomes a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the citizen husband or wife, and thereafter marries a person not a citizen of the Nation, the rights acquired by reason of the former marriage shall be forfeited.

This applicant having married a white woman subsequent to the date of decree of divorce between he and his citizen wife is not entitled to enrollment, and the approval of the Commission's decision is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-O

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D. 2032-1903.

November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 25, 1903, the Indian Office submitted the papers in the case involving the application for the enrolment of Henry B. Wilson as an intermarried citizen of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes adverse to the applicant be affirmed. A copy of its letter is inclosed.

It is shown that Wilson, a white man, was married in 1880 to a citizen by blood of the Cherokee Nation, and that in 1881 the applicant and his wife separated; that in 1885 she procured a divorce. His name appears upon the 1880 roll.

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128. appealed from the Court of Claims, the decision of the Commission is affirmed.

The papers have been sent to the Indian Office.

Respectfully,

Through the Commissioner
of Indian Affairs.

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc. and 4 to Ind. Of.

Cherokee
D 766

Muskogee, Indian Territory, December 13, 1906

Henry B. Wilson,

Blue Jacket, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 1, 1902, refusing your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 30, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

L M B

Commissioner

Encl. B-67

Cherokee
D 766

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906

Henry B. Wilson,

Blue Jacket, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 1, 1902, refusing your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 30, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

L M B

Encl. B-67


Commissioner

Cherokee

D 766

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

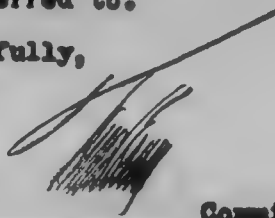
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 1, 1902, refusing the application of Henry B. Wilson for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 30, 1906.

For your information there is enclosed a copy of the Departmental decision referred to.

Respectfully,



Encl. B-68

Commissioner

John M. Ghee,
Kennesaw

A B Wilson

3 2 - 17 8x

Jack Barker
Kennesaw

2 0 - 0 9 1

See letter over in
Case of Albert J
Nigh et al D491.

Put this
in D 766

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

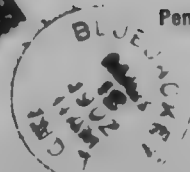
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Penalty for private use, \$300.

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1915

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Henry B. Wilson

Mr. Henry B. Wilson,

Bluejacket, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

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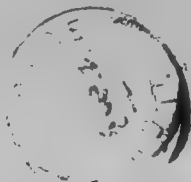
Henry B. Wilson,

Blue Jacket, Indian Territory.

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Chas. J. ...

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D 766

IN THE MATTER OF THE APPLICATION OF

Henry B. Wilson

FOR ENFRANCHISEMENT AS

CHIEF CLERK OF THE COURT

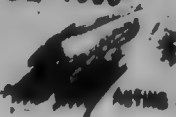
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Cher D 767

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OCT 01 1900


ACTING CHAIRMAN

Handwritten signature

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., October 31, 1900.

In the matter of the application for the enrollment of Mack and Hallie O. Chambers as Cherokees by blood.

Minnie Davis, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Minnie Davis.
Q How old are you? A 35.
Q What is your post office? A Catoosa.
Q Do you live in Coweeseocowee district? A Yes, sir.
Q Who is it you want to have enrolled, just yourself? A Just two children, my man has done enrolled me.
Q You want to apply now for just your two children? A Yes, sir.
Q What are the names of these children? A Mack Chambers is one.
Q How old is that child? A Twenty years old.
Q The next child? A His name is Hallie O. Chambers, he is 16.
Q They are both living now, are they? A Yes, sir.
Q Are these your children? A Yes, sir.
Q They are your children by a former husband, are they? A They are my children by the man I lived with, I was never married to him; one is Robert Chambers and one is Mack Chambers.
Q By two different men? A Yes, sir.
Q Are you a Cherokee by blood? A No, sir.
Q You are a white woman? A Yes, sir.
Q And you were never married to either one of these men? A No, sir.
Q Are either one of these children on the roll? A Yes, sir, you will find them on the roll, I think their father enrolled them and drew for them.
Q What is the name of your present husband? A Tom Davis.
Q He has made application for the enrollment of his family, hasn't he? A Yes, sir.
Q Did he leave off these children? A Yes, sir.
Q He didn't enroll them? A He always did.
Q But he didn't apply for them when he applied this time? A No, sir.
Q And you lived with these men, didn't you? A Yes, sir.
Q Kept house together? A Yes, sir.
Q For the time being didn't you hold them out as your husband, and didn't they hold you out as their wife? A Yes, sir.
Q Who was the first man you lived with that way? A Mack Chambers.
Q How long did you live with him that way? A About a year, over a year.
Q And then who was the next man you lived with that way? A Robert Chambers.
Q And how long did you live with him as his wife? A About two or three years.
Q Did you have any marriage ceremony performed? A No, sir.
Q Did you hold him out as your husband in each case? A Yes, sir.
Q And they held you out to the community as their wife? A Yes, sir, that is the way we lived.
Q Each held you out to the community as his wife? A Yes, sir.
Q Then who was the next man you lived with as a wife? A Tom Davis, my man that I have got now.
Q You had a marriage ceremony performed with him? A Yes, sir.
Q Is Mack Chambers alive now? A No, sir, he is dead.
Q Is Robert Chambers living? A Yes, sir.
Q Was Mack Chambers a Cherokee by blood? A Yes, sir, that is what he was always called.
Q And Robert too? A Yes, sir.
Q Have they lived in the Cherokee Nation all their lives? A They have been there ever since I knowed them.
Q When did Mack Chambers die? A I don't know how long ago it

Mack and Hallie O. Chambers - 3.

has been.

Q Give me the name of Mack Chambers's father, do you know it?

A John Chambers.

Q He is dead, is he? A Yes, sir.

Q And the name of his mother? A I don't know his mother's name.

Q Mack and Robert were brothers? A No, sir.

Q Give me the name of Robert Chambers' father? A JI Chambers.

Q Is he dead? A Yes, sir.

Q What is his mother's name? A Her name is Katie Chambers.

Q Is she alive? A Yes, sir.

Q How old would Mack Chambers be if he were living now? A I don't know.

Q How old was he when you were living with him? A I don't know, I never asked him his age, he looked like he might be thirty.

Q That was some twenty years ago? A Yes, sir.

(Mack Chambers on 1880 roll, page 70, No. 454, Cooweescoowee district.

Q How old is Robert Chambers now? A I don't know, sir, how old he is.

Q How old was he when you lived with him? A I guess he was about 24 or 25, I don't know how old.

Q Your child by him is 16, when was that child born, in 1884?

A Yes, sir, in 1884.

(On 1880 roll, page 89, No. 783, Robt. Chambers, Cooweescoowee district. Mack Chambers on 1896 roll, page 138, No. 1174, Mack Chambers, Cooweescoowee district. Hallie O. Chambers on 1894 roll, page 172, No. 1218, Hallie Chambers, Cooweescoowee district.)

Q You say Mack Chambers died before you began living with Robert Chambers? A No, sir.

Q You got no divorce of any kind from Mack Chambers? A No, sir, he married before even I did.

Q That is, you mean he married after you and he separated before you did? A Yes, sir.

Q Did you get any kind of divorce from Robert Chambers? A No, sir.

Q And he is still alive? A Yes, sir, he married before I did.

The applicant applies for the enroll out of two children. She states that she is a white woman. Application for her own enrollment was made by her present husband, Thomas Davis, in Case No. 5168. These children, she states, are children born to her by different fathers prior to her present marriage. The first child, Mack Chambers, now 20 years of age, is identified on the roll of 1896. She states that this is the child of Mack Chambers, deceased, with whom she lived for one year; that no marriage ceremony was performed between them, but that she lived with him as his wife, and they held each other out to the community as husband and wife, and that she had never so lived previous with any man. This Mack Chambers, deceased, is identified on the roll of 1880 as a native Cherokee. She got no divorce from Mack Chambers, and lived as a wife with Robert Chambers before Mack Chambers died, and then married her present husband, Tom Davis, without getting a divorce from Robert Chambers, and while Robert Chambers was alive. If this child Mack Chambers is legitimate, then it appears that the next child, Hallie O., who is by Robert Chambers, is illegitimate, and perhaps the present issue by Tom Davis are illegitimate. Hallie O. Chambers is identified on the roll of 1894. The application for the enrollment of these children will be placed upon a doubtful card for further consideration. The father of Hallie O. Chambers, Robert, is identified on the roll of 1880 as a native Cherokee.

The order is entered that reference be made to this testimony in the application of Thomas Davis for the enrollment of himself, wife and children, Card No. 5168, and also in the matter of the application of Robert E. Chambers for the enrollment of himself and wife, No. 4717, and also in the application for the enrollment of Napoleon Davis, Card D. 784.

RECEIVED BY THE SECRETARY OF THE INTERIOR
OCT 11 1900
OCT 12 1900

Mack and Nellie O. Chambers - 3.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 31st of October, 1900.

W. H. Miller
Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Claremore, I. T. November 12th, 1900.

STATE PROCEEDINGS IN THE MATTER OF THE APPLICATION OF ROBERT
CHAMBERS FOR THE RECOGNITION OF HIS WIFE, Card No. 4717.

Robert W. Chambers, being sworn and examined by Commissioner
T. H. Steele, testified as follows:
Q What is your name? A Robert W. Chambers.
Q What is your age? A Forty-two.
Q What is your present office address? A Claremore.
Q Do you know Willie Davis? A Yes, sir; I have met her.
Q What is her life at Thomas Davis? A Yes, sir.
Q Have you ever married to her? A No, sir.
Q Have you ever held her out to the community as your wife?
A No, sir.
Q She swears that she has a child that you are the father of,
but you have never married to her? A No, sir.
Q Did you ever live with her? A No, sir; I never did.
Q Her statement, then, that she makes that you lived with her
and held her out to the community as your wife is not true? She
states in her evidence that you lived with her as her husband and
held her out to the community for two or three years as your wife,
is that true? A No, sir.
Q Did you marry her? A No, sir.
Witness excused.

WILLIE DAVIS, being sworn and examined by Commissioner
T. H. Steele, testified as follows:
Q What is your name? A Clifford W. Steele.
Q What is your age? A Forty-two.
Q What is your present office address? A Claremore.
Q Do you know Robert W. Chambers? A Yes, sir.
Q Do you know Willie Davis? A Yes, sir.
Q Do you know Thomas Davis? A Yes, sir.
Q Is she a white woman? A Supposed to be
a white woman.
Q Do you know that she has ever lived or acknowledged in the
community as the wife of Robert W. Chambers? A No, sir.
Q You say she never was? A No, sir.
Q Do you know that she had any children before she married
Tom Davis? A I don't know, no. I know that she claimed
two children, but I don't know whether they were her children or
not.
Q She wasn't married at the time? A Not that I know of.
Q What was her character in that country? A Well,
I don't know anything only from hearsay. I don't know anything
for certain.

MR. HASTINGS: (Representative of Cherokee Nation) He wasn't
asking you about personal knowledge. He wants to know her general
reputation in the neighborhood. A Well, her general reputation
was not good.

MR. COMMISSIONER: Was she ever known through the country as
the wife of Robert Chambers at all? A Not to my knowledge.

Q You know them both? A Yes, sir.
Q For how long? A Well, I have known Robert Chambers ever
since I was a boy, ever since along in 1869 or '70.
Q You have known him ever since that time? A Yes, sir; I
have been right along beside of him ever since.

Witness excused.

Supplemental--2.
D Card 767
Card No. 4717.

W. F. Hutchins, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A W. F. Hutchins.
Q What is your age? A Forty-four.
Q What is your post office address? A Claremore.
Q Do you know Robert E. Chambers? A Yes, sir.
Q Do you know a woman called Minnie Davis now? A Yes, sir.
Q The wife of Thomas Davis? A Yes, sir.
Q White woman? A Yes, sir.
Q How long have you known Chambers? A I have known him
ever since 1883.
Q You live close to him? A Right within; yes, sir. We
worked together at that time.
Q You have known him continuously all along? A Yes, sir.
Q Do you know whether he ever held out to the community that
he was the husband of this woman now known as Minnie Davis? A He
did not do so.
Q Did they ever live together as man and wife? A Not that
I know of.
Q If they had done it in that neighborhood, you would have
known? I mean, if they had lived together as man and wife,
you know? A Yes, sir.

Witness excused.

The undersigned, being sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly re-
corded the supplemental testimony and proceedings in the above-
mentioned application for enrollment, and that the foregoing is
a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of November
1900.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of MACK CHAMBERS,
ET AL., as citizens of the Cherokee Nation.

The applicant and his attorney were notified by registered letter February 18, 1902, that the application of Mack Chambers for the enrollment of himself and brother as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, both by the applicant and Attorney, and the applicant this day, to-wit: the 8th day of March, 1902, appears by his Attorney, A. M. Calloway.

Mr. J. C. Starr, Cherokee Representative, present.

JOE TRAP, being duly sworn, testified as follows on part of applicant:

MR. CALLOWAY:

- Q State your name. A Joe Trap is my name.
Q And your age. A 44.
Q And where do you live? A On Verdigris River, near Catoosa.
Q In the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee by blood? A Yes; sir.
Q Are you acquainted with Mack Chambers, Sr., the father of this Mack Chambers that is making application for enrollment, during his life-time? A Yes, sir, I am well acquainted with him.
Q Well, you know of your own knowledge whether Mack Chambers, Sr., ever acknowledged this young Mack Chambers as his boy during his life? A Yes, sir, he called the boy as his.
Q Were you ever present at any time when any enrollments of the Cherokees were being made? A Yes, sir; he drew money for him twice.
Q Put his name on the roll? A Yes, sir.
Q And drew money for him twice? A Yes, sir.

MR. STARR:

- Q Do you know whether or not the mother of Mack Chambers was ever married to Mack Chambers? A Not legally.
Q Never had any marriage ceremony performed? A No, sir.
Q Did they hold each other out to the community as man and wife?
A Yes, sir; they lived together as man and wife.
Q How long did they live together? A They lived together a little over a year; I was right there in a mile of them during that whole year.
Q Was this child born while they were living together?
A No, sir; her mother came and got her just before the child was born.
Q How long before? A Well, I don't recollect just how long, but it was not more than a month of such a matter.

MR. CALLOWAY:

- Q Do you know anything about how old Mack Chamber's mother was when this child, Mack Chambers, was born? A No, sir, I don't know exactly; she was between 16 and 17 years old.

Commission: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had in the above case on this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

CD767

RECEIVED BY THE COMMISSIONER

COMMISSIONER

MAY 7 1908

CHAS. H. HARRIS

RECEIVED BY THE COMMISSIONER

CHAS. H. HARRIS

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 20th, 1903.

-----X
In the matter of the application of
Mack Chambers for the enrollment of
himself and Hallie O. Chambers as
citizens by blood of the Cherokee
Nation.
-----X

Supplemental to D-767.

Appearances:

L. F. Parker, Jr. for Applicant.

J. C. Starr for Cherokee Nation.

Looney Ratlingourd, being duly sworn, testified as follows:

Examination by Mr. Parker.

- Q. State your name? A. My name is Looney Ratlingourd.
Q. How old are you? A. I am 57 years old.
Q. Where do you reside? A. On Verdigris about 10 miles west of Claremore.
Q. Are you a Cherokee Indian by blood? A. Yes, sir.
Q. Are you acquainted with Minnie Davis? A. Yes, sir.
Q. When did you first become acquainted with her? A. Why, I couldn't tell you just how long it has been. She was just a girl when I first was acquainted with her.
Q. Whereabouts? A. Right where Claremore is now.
Q. Has she lived in the Cherokee Nation ever since you first became acquainted with her, so far as you know? A. Yes, sir; she has lived in the Cherokee Nation. If she moved--I don't think she ever did--I don't know of it.
Q. She lived in the Cherokee Nation ever since her first marriage? A. Yes, sir.
Q. With whom did she first live as wife? A. Mack Chambers.
Q. Whereabouts did they live together? A. On Mack's place on the Verdigris about 9 or 10 miles west of Claremore.
Q. Did they live alone there? A. Yes, sir.
Q. How were they regarded in the community in which they lived as to the relations they bore to each other? A. Well, they just lived together as man and wife. Everybody thought that they was. They lived there alone, you know; they lived together.
Q. Did they have any children? A. They had one.
Q. What was its name? A. Mack.
Q. Is he living? A. Yes, sir.
Q. Do you remember when he was born? A. No, I don't remember just when he was born.
Q. Did Mack Chambers ever refer in your presence to this young man Mack? A. Yes, sir.
Q. How did he speak of him? A. Why, he just claimed that he was his boy.
Q. He recognized him as his child? A. Yes, sir.
Q. How was the boy regarded in the community; whose child was he known as? A. Why, he was known by everybody down there as Mack Chambers' child.

Q. Do you know when Minnie Davis and Mack Chambers separated, the date? A. No, I don't recollect the date. They separated, that is she left there. I didn't hear why. She left his place and went onto another place--and went to where her mother was.

Q. With whom did she afterwards live, what man? A. After---

Q. After Mack? A. Why, Robert Chambers.

Q. State where they resided? A. Why, they lived about 6 miles east of Claremore. Why, they first lived right in Claremore.

Q. Whose place was it? A. Why, Robert Chambers'.

Q. Was there any other woman there besides this Minnie Davis?

A. Minnie Davis' mother lived there.

Q. How did they live together and how were they regarded in the community? A. Why, they just lived together as man and wife; she was known as Robert Chambers' wife.

Q. Did they have any children? A. Had one.

Q. What was his name? A. Hallie.

Q. Were they living together as man and wife at the time of Hallie's birth? A. Yes, sir.

Q. In the Cherokee Nation? A. Yes, sir.

Q. As whose child has Hallie been recognized in that community?

A. Robert Chambers'

Q. Has Mack Chambers the younger and Hallie Chambers lived in the Cherokee Nation since their birth? A. Yes, sir.

Q. How long have you lived in the Cherokee Nation? A. I have lived in it all my life.

Q. Are Robert and Mack Chambers, Sr., full blood Indians, or nearly so? A. Well, I couldn't tell. No, they aren't full blood Indians because their grandfather was a white man, but they look to have more Indian than white.

Q. They generally followed and adopted the Indian ways in this country? A. Yes, sir.

Q. I will ask you what the custom was 20 to 25 years ago among the Cherokee Indians with reference to marriage and divorce?

A. Well, they was some few of them what got married.

Q. How do you mean, by license? A. Not with a license; they just went to the judge or some place that they had a right to marry. Others took up and lived together and when they wanted to be divorced they would go--they would just quit.

Q. Was that recognized as a legal separation between them?

A. Yes, sir.

Q. During the time they would be living together as man and wife how were the children regarded as to being legitimate or illegitimate? A. Well, yes; they was considered as lawful children.

Q. It was recognized as entirely proper, was it? A. Yes, sir.

Q. Did that custom prevail at the time of the marriage of Mack Chambers to this woman, now Minnie Davis? A. Why, some places it did. Why, yes, and in some places even at this time.

Q. Have members of your family lived together as man and wife under that custom? A. Yes, sir; I have two brothers that lived with women. Well, one woman is living now. They married under that law, that is just taken up together.

Q. You may state whether or not the Cherokee Nation has recognized the legitimacy of such unions during the past 20 years?

A. Yes, sir.

Objected to.

Objection noted.

Q. Do you know who enrolled Mack and Hallie Chambers in 1894?

A. Just what I heard. I heard that Robert Chambers' enrolled his boy. I don't know that he did but that is what I heard.

Q. At the time Mack Chambers and this lady lived together as man and wife did he have any other woman living with him? A. No.

Q. Did he have any other woman which was considered in the community as his wife, besides her? A. No.

Q. Did this woman live with any other man besides Mack Chambers during the time she was regarded as Mack's wife? A. No.

Q. During the time that Robert and this woman lived and cohabited together, as you testified, did he have any other woman in the community with whom he lived as his wife? A. Not that I know of.

Q. Did she have any other man with whom she lived as her husband? A. No, sir.

Examination by Mr. Starr.

Q. How far did you live from Mack Chambers, Sr., when he lived with Minnie Davis? A. Why, I lived about six miles, I guess, six or seven.

Q. How long did they live together before this child Mack Chambers was born? A. Well, I don't know that. Well, I will tell you. I was up there. She was very young when he took her there. I didn't see the child; I saw her and she looked that the child would be born. Most anybody can tell when a woman is going to have a child. When it was born I didn't see it.

Q. How long did they live together after the child was born? A. I don't recollect. About a year, I guess.

Q. About a year? A. No, I don't know if it was a year.

Q. Mack Chambers, Sr., and this woman were never married?

A. No, I don't think they was. I am pretty certain they wasn't.

Q. Just took up together? A. Yes, sir.

Q. You don't know how long they lived together before this child was born? A. No, sir; I can't say.

Q. Or how long they lived together after the child was born? A. I don't recollect that either. I never kept any account.

It was generally known she was there with him and I saw her there with him. She couldn't have been over 13 or 14 years old when he took her out there.

Q. Where does Mack Chambers live? A. Living there on Bird creek.

Q. Has he been living there all the time? A. He lived with his mother and grandmother until he was a great big boy.

Q. Where does his grandmother live? A. Why, she is dead now. She lived on Bird creek there and she lived on Mack Chambers place a while.

Q. How far did you live from Robert Chambers when he was living with this woman who is now Minnie Davis? A. Why, I lived about--Oh, it was six or seven miles. I stayed there within a mile from where he lived that summer, where he lived on his place.

Q. Did this woman Minnie Davis live with him before this child was born? A. Yes, sir.

Q. That was Hallie O. A. Yes, sir.

Q. How long had she been living with him before that child was born? A. Why, I don't know just how long. I knew the child was born, that is I heard it. I didn't see the child born, I only heard it.

Q. Were you ever at their house before the child was born?

A. Yes, sir. Not when they lived at his place. Him and her lived at the section house at Claremore, then moved to another place. He bought this place and then they moved there. He lived at the section house first, that is the first anybody heard she was his wife.

Q. Did you ever go to their house when they were living together? A. Yes, sir.

Q. Were you there before Mallie O. was born? A. Yes, sir.

Q. Anybody else living with them? A. Why, this woman's mother was living there with them.

Q. Who else was there? A. Why, that boy; that Mack; that child Mack, her oldest child, was there. And she had a sister living there with her.

Q. How do you know that Minnie Chambers lived with Robert Chambers before this child was born? A. Why, I saw and heard it.

Q. Heard it around the neighborhood? A. Yes, sir. I never saw them get married, I just heard they was.

Examination by the Commission.

Q. Do you know if Robert Chambers acknowledged this child as his? A. Yes, sir.

Q. Is Mack Chambers, the father, living? A. No, he is dead.

Q. When did he die? A. Why, I don't know.

Q. Some years ago? A. Yes, sir.

Q. Is Robert Chambers living? A. Yes, sir.

Q. Has he lived in the Cherokee Nation all his life?

A. Yes, sir.

Q. Did Mack Chambers live in the Cherokee Nation all his life?

A. Yes, sir.

Q. You say Minnie Chambers has lived in the Cherokee Nation how long? A. The first time I ever saw her, it has been 25 or 6 years.

Q. Has she lived in the Cherokee Nation ever since this first child was born? A. Yes, sir. I never heard of her moving out. She lived down there near Claremore, there on Bird Creek.

Examination by Mr. Parker.

Q. How long has she been married to this man Davis?

A. I don't recollect. I know she is ~~is~~ married to him. She is living with him. I don't recollect how long she has been there.

Q. About how many years? A. Oh, I guess 6 or 7 years. I just guess it would be that long. I don't know just exactly. I guess 6 or 7 years.

Q. She has actually lived here, then, 6 or 7 years with this man Davis? A. Yes, sir; I think she has.

Q. You know that she has been in the Cherokee Nation?

A. Yes, sir.

Q. Have you ever heard of her being away? A. No.

Examination by Mr. Starr.

Q. Where has she lived for the last 6 or 7 years? A. Lived on Bird creek on Tom Davis' place, living with Tom Davis as his wife.

Q. Is Bird creek in the Cherokee Nation? A. Yes, sir.

James R. Stout, being duly sworn, testified as follows:

Examination by Mr. Parker.

- Q. State your name? A. James R. Stout.
- Q. Where do you live? A. I live four miles south of Collinsville.
- Q. What is your age? A. 35.
- Q. How long have you lived in the Cherokee Nation? A. About 30 years.
- Q. Are you acquainted with the woman now called Minnie Davis?
- A. Yes, sir.
- Q. How long have you known her? A. About 10 years.
- Q. Where has she resided and made her home during those 10 years? A. With Tom Davis on Bird creek.
- Q. In the Cherokee Nation? A. Yes, sir.
- Q. Has she ever resided anywhere else? A. No, sir.
- Q. Do you know Mack Chambers, that is young Mack Chambers?
- A. Yes, sir.
- Q. Where does he live? A. He lives with his mother and stepfather.
- Q. You and he live in the same neighborhood? A. Yes, sir.
- Q. According to the general reputation of the community who is regarded as the father of Mack Chambers? A. Mack Chambers. That has always been the talk in that neighborhood. I don't know anything about it, only just what I hear.
- Q. Do you know Hallie Chambers? A. Yes.
- Q. Where does he live? A. Lives with his mother on Bird creek.
- Q. In the same neighborhood with you? A. Yes, sir.
- Q. Are you acquainted with the reputation and general information in that community as to who is regarded the father of Hallie?
- A. The same as Mack, it is general talk that Robert Chambers is his father. They go by the name of Chambers, both of them.
- Q. In 1894 were you present at the place where the roll was being made of Cherokee citizens? A. Yes, sir.
- Q. Whereabouts was that? A. At Catoosa.
- Q. Who was assisting in making that roll on behalf of the Nation? A. John Schrimsher and Arch McCoy.
- Q. Were you present at a conversation between Judge Schrimsher representing the Nation, and Minnie Davis with reference to the enrolling of Hallie Chambers? A. Yes, sir.
- Q. Will you please state that conversation as well as you remember it? A. Why, when we all went down there to enroll at the same time, together, Tom Davis went to enroll his family and Judge Schrimsher made the remark that Robert Chambers already enrolled Hallie and asked him if it was all right. She said it didn't make any difference who enrolled him, he had as much right as she did.
- Q. Do you know who drew the strip money for Hallie? A. I don't know only what they said. They said Robert Chambers drew it.

BY THE COMMISSION:

- Q. These children have always lived with Minnie Davis, have they? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of March, 1903.

Samuel Foreman
Notary Public.

20767

Department
of the
Interior.

Commission to the
Five Civilized Tribes.

In the Matter of the
Application of Mack and
Hallie O. Chambers for En-
rollment as Cherokees.

Brief of Applicants.

Hutchings Parker & West,
Attorneys for Applicants.

Department of the Interior.
Commission to the Five Civilized Tribes.

Cherokee V - 707.

In the matter of the application of
Jack and Tallie O. Chambers for Enroll-
ment as Cherokee by Blood.

Brief of Applicants.

This application presents some peculiar features, but
that these persons are entitled to be enrolled as citizens by
blood of the Cherokee Nation seems to be very clear from all
the evidence in the case.

A communication from this Honorable Commission is refer-
red to this case, written to Dr. H. C. Bailey, Claremore, I. T., on
January 9, 1903, was this passage, viz:

"In reply you are advised that the Commission has not
yet ~~rendered~~ rendered a decision as to the right of these
applicants to enrollment. Before a decision can be ren-
dered, it will be necessary that further evidence be intro-
duced as to the residence of the applicants' mother, Fannie
Davis, on June 30, 1896 and prior thereto."

Evidence on this point was introduced by the applicant, be-
fore the Commission, on January 19, 1903, and it is claimed that
the proof then offered clearly established the fact that the
said Fannie Davis did actually live in the Cherokee Nation on
June 30, 1896, and always thereafter up to the present date, and
that both of the applicants, Jack Chambers and Tallie O. Chamb-
ers, were born in the Cherokee Nation and have actually lived
in the said Nation all their lives; proof was also introduced
tending to show the parentage of these children and that they
were both born in lawful wedlock, according to the then existing
customs of the Cherokee Nation.

It would appear from the testimony, that of whatever char-
acter had been the former marriages, or living together, between

Wack Chambers (father of one of the applicants) and Robert Chambers (father of the other applicants) and Minnie Davis, that Tom Davis, between whom and the said Minnie a marriage ceremony has been performed, did not hesitate to have these applicants enrolled when there was a chance for him to get and handle their money, but did not apply for their enrollment by the Commission.

These children had been abandoned by their fathers. It was left to their mother to see that justice was done to her, that they were properly enrolled by the Commission, and thus enabled to secure the rights guaranteed to them as members by blood of the Cherokee tribe of American Indians.

On page two of the testimony taken by the Commission, at Claremore, I.T. October 31, 1900, it appears that Wack Chambers, (father of the applicant Wack) was on the 1890 roll, and that Robert Chambers (father of applicant Vallie O.) was on the 1896 roll, and that Wack Chambers was on the 1896 roll and Vallie O. Chambers was on the roll of 1894.

It is true that the testimony taken by the Commission, at Claremore, I.T. November 12, 1900, in this case, tends to show that Robert Chambers and Minnie Davis never lived together as husband and wife, and Robert Chambers directly and positively swears that he was never married to her and never held her out to the community as his wife, and that her testimony that he did so was not true, but it is very significant that when thus called upon to testify, and when informed that she had testified that he was the father of Vallie O. Chambers, that he does not in any way seek to testify that he is not the father of that child, or to deny her testimony upon that point.

No other conclusion can be drawn from all the testimony than that the child Vallie O. Chambers is a son of Robert Chambers, the only question of doubt being whether such child was legitimate or not.

In view of the provisions of law that govern the enrollment of Cherokees it does not at all matter whether the descendants of Cherokee who are on the roll of 1896 are the one or the other. But two questions can be asked. Are the applicants descendants? If so, have they been resident in good faith of Cherokee Nation from June 25, 1896 up to the present time?

Both of these questions are clearly answered in the affirmative by the proof in this case.

The law is as follows:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eight, (not including freedmen) as the only roll intended to be continued by this act, and all persons now living whose names are on said roll, and all descendants born since the date of said roll to persons whose names are found thereon."

There is another view to be taken of this matter. There is an entire absence of any proof that the undoubted mother of both these children became a Cherokee citizen if her marriage to "Red Cherokee" is established by the customs then prevailing among the Cherokees, as there never was any law, except that laid down by the Supreme Court of the Nation, governing the marriage of the Cherokee man to a white woman. She immediately upon such marriage, and by reason thereof, became a full adopted citizen of the Cherokee Nation, and if she continued to reside in the Nation she and all of her descendants were Cherokee citizens and entitled to be enrolled as such. If she was a citizen of the Nation at the time that these children were born to her, no act of hers after that time could deprive them of their rights.

In this case there is an entire absence of any proof that Winnie Davis has ever in any manner forfeited her rights.

It appears incontrovertibly that under the facts and law these applicants are entitled to be enrolled.

Respectfully submitted.

[Handwritten signature/initials]

THE COURT OF THE TERRITORY,
COMMISSIONER OF THE CIVIL SERVICE.

I, the undersigned, do hereby certify that the following is a true and correct copy of the original as filed in the office of the undersigned.

The evidence in this case is as follows: On the 11th day of May, 1903, the undersigned received from the Indian Territory, Indian Territory, a letter from the undersigned of the Cherokee Nation, dated at Cherokee, Indian Territory, on November 1, 1902; at Chicago, Indian Territory, on December 1, 1902; at Cherokee, Indian Territory, on January 10, 1903.

The evidence in this case is as follows: On the 11th day of May, 1903, the undersigned received from the Indian Territory, Indian Territory, a letter from the undersigned of the Cherokee Nation, dated at Cherokee, Indian Territory, on November 1, 1902; at Chicago, Indian Territory, on December 1, 1902; at Cherokee, Indian Territory, on January 10, 1903.

The evidence in this case is as follows: On the 11th day of May, 1903, the undersigned received from the Indian Territory, Indian Territory, a letter from the undersigned of the Cherokee Nation, dated at Cherokee, Indian Territory, on November 1, 1902; at Chicago, Indian Territory, on December 1, 1902; at Cherokee, Indian Territory, on January 10, 1903.

It is, therefore, the opinion of this court that the undersigned of the Cherokee Nation, dated at Cherokee, Indian Territory, on November 1, 1902; at Chicago, Indian Territory, on December 1, 1902; at Cherokee, Indian Territory, on January 10, 1903.

COMMISSIONER OF THE CIVIL SERVICE.

(SIGNED) Tams Dixby.
Ch. Secy.

(SIGNED) T. B. Needles.
Ch. Secy.

(SIGNED) C. R. Breckinridge.
Ch. Secy.

(SIGNED) W. E. Stanley.
Ch. Secy.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKKINDLER,
W. F. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-767.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

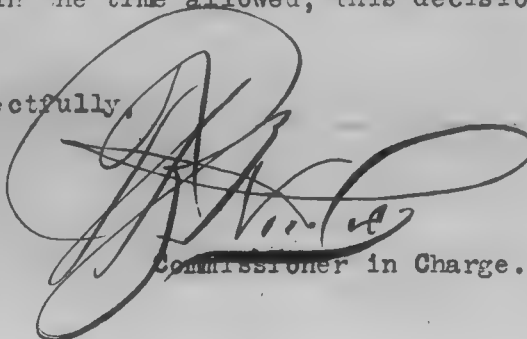
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Minnie Davis for the enrollment of her two minor children, Mack and Hallie O. Chambers, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-5.

~~Wack Chambers~~

Transferred to Cherokee 10264

- ~~1. Original testimony. Oct 31-1900~~
- ~~2. Mem. of application Oct 31 1900~~
- ~~3. Supplemental testimony. Nov 12-1900~~
- ~~4. Receipt for testimony~~
- ~~5. Notice of final consideration 3/8/02~~
- ~~6. Sup test & order closing test 3/8/02~~

See Gackets No 5168 and
No 5714, 4717

Cher D 768

Cher D 768

276

FILED
NOV 1 1960

ACTING CHAIRMAN

Applicant's Ward, John Brown, DOUBTFUL.

R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 1st, 1900.

In the matter of the application of John V. McClellan for the enrollment of himself and Ward, John Brown, as citizens of the Cherokee Nation, said McClellan being first duly sworn, testified as follows: EXAMINATION BY THE COMMISSION:

- Q What is your name? A John V. McClellan.
Q How old are you? A 28 the 6th of October.
Q What is your post office address? A Claremore.
Q You make application for enrollment as a Cherokee by blood, do you? A Yes, sir.
Q What degree of blood are you? A Between a quarter and three-sixteenths.
Q For whom do you make application? A For myself, and I have a boy there that I am raising, Johnnie Brown.
Q Are you his guardian? A Yes, sir.
Q What district are you living in? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q Have you been outside of the Cherokee nation for the past three years? A No, I do not know that I have, only on business.
Q You always make this your home? A Yes, sir.
Q What is the name of your father? A Charles M.
Q Is your father living? A Yes, sir.
Q Is he a Cherokee by blood? A No, sir.
Q What is the name of your mother? A Jennie L.
Q Is she living? A Yes, sir.
Q She is a Cherokee is she? A Yes, sir.
Q Are you married? A No, sir.
Q Have you ever been? A No, sir.
Q What district were you living in in 1880? A Cooweescoowee.
Q What district were you living in in 1896? A Cooweescoowee.
Q What is the name of this child for whom you make application?
A It is either Jesse or Johnnie Brown, we always called him Johnnie but I believe the papers are made out Jesse.
Q Where is he? A Going to school at the Seminary.
Q What name does he go by at the Seminary? A Johnnie.
Q How old is he? A He is about 16 years old.
Q He is alive and living with you at the present time? A Yes, sir.
Q What is the name of his father? A John Brown.
Q Is his father living? A No, sir, he was killed there at Tahlequah.
Q Was he a Cherokee? A Yes, sir.
Q What is the name of this boy's mother? A Jane Brown.
Q Is she living? A Yes, sir.
Q Is she a Cherokee or white woman? A I think she is a white woman.
Q Were the parents of this child lawfully married? A Yes, sir.
Q Have you any evidence of that fact? A No, I have not any marriage certificate. They were married there at Tahlequah. I might write to her and get the marriage certificate.
Q How long has this child lived with you? A He has been with us about nine years.
Q You are his legally appointed guardian? A The papers were made out to my sister, Mary E. McClellan; she was at school and when she come home she said she did not want John. She did not like the papers being made out in her name.
Q Mary E. McClellan is your sister? A Yes, sir; she was at school and the papers were made out in her name and she would not recognize him.
Q Did John Brown live with Jane Brown up to the time of his death?
A Yes, sir.
Q Was John Brown living in the Cherokee nation? A Yes, sir.

John W. McClellan--2.

Q Has this child always lived in the Cherokee nation? A Yes, sir, always lived right there at Tahlequah. I expect on the 1896 roll he was in Cooweescoowee.

1880 Roll; page 141, #1929, J. W. McClellan, Cooweescoowee.
1896 Roll; page 204, #3953, John W. McClelland, Cooweescoowee.
1880 Roll; page 735, #126, John Brown, Tahlequah.
1896 Roll; page 108, #290, John Brown, Cooweescoowee.

THE COMMISSION: The applicant applies for the enrollment of himself and one orphan child. He is identified upon the authenticated roll of 1880 and census roll of 1896 as a Native Cherokee. He has lived in the Cherokee Nation all his life and will be listed for enrollment by this Commission as a Cherokee citizen by blood.

As to the application he makes in behalf of his Ward, John Brown: The father of this child is identified upon the authenticated roll of 1880 as a native Cherokee. The applicant avers that the father of this child and the child's mother, a white woman, were united in marriage, and that they lived together continuously up to the time of the child's father's death. He presents no satisfactory proof of the marriage of the parents of this child, consequently the child will be listed on what is known as a DOUBTFUL CARD, and he will be required to file with the Commission either the original or certified copy showing that the child's parents were lawfully married. The child is identified upon the census roll of 1896 as a native Cherokee. His residence in the Cherokee Nation has been established to the satisfaction of the Commission, and he will be listed for enrollment as a Cherokee by blood.

---0000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 1st day of November, 1900.

W. D. Green

Notary Public.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
DIVISION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 10 1901

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21/68

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 18th 1900.

~~Int~~ In the matter of the application of John Brown. SUPPLEMENTAL.

768.

Comes now Agnes Gritts and after having been sworn before Commissioner Breckinridge, testified as follows:

- Q What is your name? A. Agnes Gritts.
Q How old are you? A. 34.
Q What is your post office? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q What was your name before you were married? A. Brown
Q Were you a sister to John Brown? A. Yes sir.
Q He is dead? A. Yes sir.
Q Has he left a child? A. Yes sir.
Q What is the name of that child? A. John.
Q What is the name of that child's mother? A. Jane Woods.
Q She is a white woman. A. They claim to be Cherokee's
Q She is still living somewhere? A. Yes sir.
Q You don't know where do you? A. ~~Maxix~~. In Delaware district on Drowning Creek.
~~Q That is as near as you know? A. Yes sir.~~
Q Was your brother John married to this woman? A. He claim to be married when he brought her down home.
~~Q How long did they live together, until he died? A. From 1883 until 1891.~~
Q How long did they live together, until he died? A. From 1883 until 1891.
Q Did your brother John ever live with any other woman before that? A. No sir.
Q Did you know this woman before she was married to your brother? A. No sir.
Q Did you ever hear of her living with any other man? A. I never did.

NANCY DOWNING, called and sworn as a witness, testified as follows-

- Q What is your name? A. Nancy Downing.
Q What is your age? A. 37.
Q What is your post office? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Were you a Brown before you were married? A. Yes sir.
Q Did you have a brother John? A. Yes sir.
Q Is he dead? A. Yes sir.
Q Did he leave a son John? A. Yes sir.
Q What was that child's mother's name? A. Jane Wood.
Q Was your brother legally married to that woman? A. He claimed to be married to her. He brought her home as his wife.
Q Did he ever claim to be married to any other woman? A. No sir.
Q How long did they live together? A. From 1883 until 1891.
Q Did you ever hear of her having been married before? A. No sir.
Q Do you know exactly where that woman is now? A. No sir, in Delaware district somewhere.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 10th of January, 1901
Commissioner.

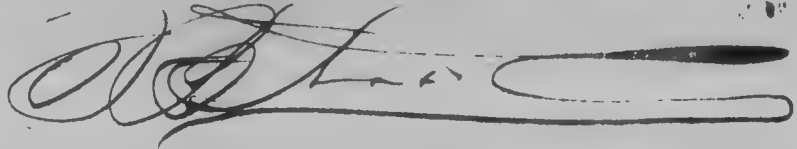
Supl.-C.D.#768.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN BROWN
as a citizen of the Cherokee Nation:

The applicant's guardian, John F. McClellan, was notified by registered letter February 18, 1902, that the application of his ward, John Brown, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said date he might appear before the Commission and introduce any further testimony in connection with the application of said John Brown. Receipt has been acknowledged of Commission's letter. The applicant's guardian having this day, to-wit: the 8th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee Representative, present.



J.O.R.

Commissioner.

2768

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 27 1902

ACTING CHAIRMAN

From the clips of the stenographer's report.
According to this case, and the following is a true and
correct copy of the same. I collected the
"Mr. Thompson" to be a case, and the stenographer to the

From the clips of the stenographer's report.
According to this case, and the following is a true and
correct copy of the same. I collected the
"Mr. Thompson" to be a case, and the stenographer to the

R.

C. D-768.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John Brown for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant's guardian, John F. McClellan, was notified by registered letter February 18, 1902, that the application of his ward, John Brown, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 8th day of March, 1902. Receipt was acknowledged of the Commission's letter, and on said date, to-wit: the 8th day of March, 1902 the case was called, and the said John F. McClellan failing to appear, either in person or by attorney, the case was deemed completed and ordered reported to the Commission based upon the evidence then of record.

On this date, to-wit: the 13th day of March, 1902, the mother of the applicant, Mary Jane Shoap, appears before the Commission and desires to introduce further testimony respecting the application of her son, which she claims is very material in his case.

MARY JANE SHOAP, being first duly sworn, and being examined, testified as follows:

BY COMMISSION OF MARY JANE SHOAP: What is your name?

A. Mary Jane Shoap.

Q. How old are you? A. About 34.

Q. What is your present post office address? A. Welch, I. T.

Q. Are you a Cherokee by blood? A. Yes sir.

Q. Are you the mother of John Brown, who is under the guardianship of John F. McClellan? A. Yes sir.

Q. Who is the father of John Brown, your child? A. John Brown.

Q. Is his father a Cherokee? A. Yes sir.

Q. What is the name of your father? A. Jesse Woods.

Q. What is the name of your mother? A. Manda Woods.

Q. Was your father a Cherokee or a white man? A. White man?

Q. Was your mother a Cherokee? A. Yes sir.

Q. Have you always resided in the Cherokee Nation? A. Yes sir.

Q. Have you always been recognized as a citizen? A. Yes sir.

Q. Does your name appear upon the roll of 1880? A. Yes sir.

Q. Was there ever any member of your family who went by the name of Mary F. Woods, did you have a sister named Mary F. Woods?

A. No sir.

Q. Who is the child just older than you, which one of your brothers or sisters?

A. Henry Woods.

Q. Who comes after you? A. He is dead, Joe.

Q. You had a sister named Maud? A. Marcella.

Q. What is your mother's name? A. Manda.

1880 roll, page 339, number 2977, Mary F. Woods, Delaware District, native Cherokee.

As this testimony is very material in the application of John Brown for enrollment as a citizen of the Cherokee Nation, it is directed that same be filed therewith and made part of the record.

This case is now deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

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RECEIVED
JAN 11 1905
U. S. DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John Brown as a citizen by blood of the Cherokee Nation.

DECISION.

--oOo--

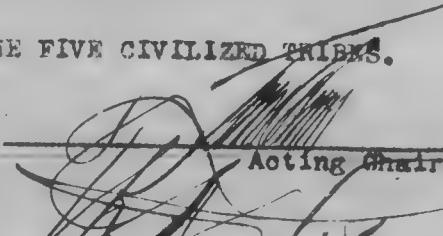
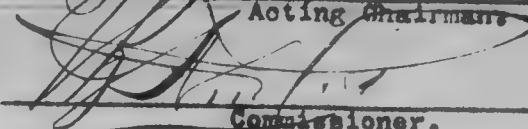
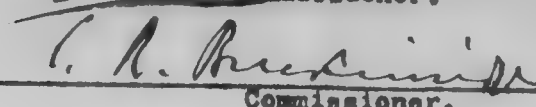
The record in this case shows that on November 1, 1900, John F. McClellan appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of his ward, John Brown, as a citizen by blood of the Cherokee Nation. The application included John F. McClellan, but, as he is differently classified, he is not embraced in this decision. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, December 18, 1900, and at Muskogee, Indian Territory, on March 13, 1902.

The evidence shows that the said John Brown is the son of John Brown, a native Cherokee, now deceased, who is identified on the Cherokee authenticated tribal roll of 1880, and Mary Jane Brown, a native Cherokee, who is also identified on the Cherokee authenticated tribal roll of 1880. The said John Brown is identified on the Cherokee census roll of 1896.

The evidence further shows that the said John Brown has always lived in the Cherokee Nation.

It is, therefore, the opinion of this Commission that John Brown should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS D. NICHOLS
C. R. BRICKNOR

ALLISON I. AVILES WORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 768.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of John Brown as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 49.

John T. Brown

A. Original testimony. Nov 1-1906

B. Memo. of application. Nov. 1 1906

C. Supplemental testimony. Dec-18-1906

D. Notice of final consideration, 3/8/07

E. Order closing testimony 3/8/07

Co.

Sept 21, 1907. Cancelled and
transferred to " " No. 7647



See Cherokee Jacket 5189

Cher D 761

Cher D 769

Commissioner.

Subscribed and sworn to before me this 8th of November, 1880

ACTING SHALMAN

George H. [illegible] of his aforesaid notes in said pro-
ceedings in [illegible] above and that the [illegible] in [illegible]
[illegible] the [illegible] qualified [illegible] he reported in [illegible] all the
[illegible] [illegible] being sworn upon the [illegible] [illegible] [illegible]

OV

769

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. November, 8th 1900

In the matter of the application of Mary A. Payne for the enrollment of herself as a Cherokee citizen. She being sworn testified before the Commission as follows--

- Q What is your name? A. Mary A. Payne
Q How old are you? A. 58.
Q What is your post office? A. Claremore.
Q Do you live in Geoweescoowee District? A. Yes sir.
Q Who is it that you want to have enrolled? A. Just myself.
Q Are you a Cherokee by blood? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life except a few years. Q. When was that ~~just~~ during the war? A. No just after the war.
Q Are you on the 1880 roll? A. No sir.
Q Are you on the 1896 roll? A. Yes sir.
Q Why are you not on the 1880 roll? A. Was not here then, I was in Kansas; my husband was working there, he was following his trade as a blacksmith.
Q Were you re-admitted to citizenship after you came back by the Cherokee Council or Commission? A. Yes sir I went down there and they told me I was re-admitted.
Q Give me the name of your father? A. John Nave.
Q Is he dead? A. Yes sir.
Q Was he a Cherokee or white man? A. Cherokee.
Q Give me the name of your mother. A. Rachel Looney was her maiden name.
Q Is she dead? A. Yes sir.
Q Was she a Cherokee? A. Yes sir.
Q How oft a have you been married? A. Once.
Q When were you married? A. In 1863.
Q To whom were you married? A. William P. Payne.
Q Is he dead? A. Yes sir.
Q When did he die? A. He died in 1893.
Q When you married him in 1863 where did you marry him? A. In Canadian District.
Q And how long did you and him continue to live together in the Cherokee Nation after your marriage? A. Until the year 1878.
Q And then you and he went up to Kansas? A. Yes sir.
Q How long did you live with him up there? A. We came back in 1892
Q Did you live in Kansas from 1878 until 1892? A. Yes sir.
Q Have you lived here ever since you came back in 1892? A. Yes sir.
Q Did you take all your household goods up there? A. Nothing but our bedding and clothing; had a farm down here.
Q Were your children all born up there in Kansas? A. All but one was born in the Cherokee Nation.
Q How many have you? A. Five.
Q Did you frequently come back to the Cherokee Nation while you were up there? A. Yes sir came back almost every year.
Q You say you had a farm down here? A. Yes sir.
Q How old is your youngest child? A. 23.
Q How old is your eldest child? A. 35.
1896 roll, page 235, No 3801, Mary A. Payne, Geoweescoowee.

By Cherokee Representative Hastings.

- Q Where is your eldest son? A. In Kansas.
Q Where is your next eldest child? A. He is living near Vinita, has a farm there.
Q Where is your next child? A. Over here on my farm.
Q Where is your fourth child? A. Living at Tahlequah, married there.

Q Who did she marry? A. She married Jim Quinn.

Q Where is your next one? A. Here.

Q Where is your place in Canadian District? A. At Webbers Falls. We sold it.

Q When did you dispose of it? A. Just a year before we came back in 1893, in December.

Q About what size farm was it? A. A small place, some 20 or 25 acres in cultivation.

Q What did you sell it for? A. \$300.00

Q Did you receive rents annually from it while living in Kansas?

A Yes sir.

Q Where did you live in Kansas? A. Parsons.

Q How far is that from the Cherokee line? A. I, dont know just exactly 30 or 40 miles.

Q Did you live in Parsons all the time that you were living in Kansas?

A No sir lived in Parsons only ten months and then moved to Galesburg near Parsons, and lived there some time. My husband was a blacksmith and he moved wherever there was work for him to do.

Q How big is Galesburg? A. A small place.

Q Did you own a house there? A. Yes sir, owned a home when we lived there.

Q Did you own a farm in Kansas? A. No sir.

Q Did you live in any other places there? A. Yes sir, we went to Fredonia and lived there a year I guess, moved from there down here.

By the Commission

Q You have no certificate of re-admission to Cherokee citizenship? No sir. I went before the Council and it went before the Committee and they told me "You have gone through all right" they never gave me a certificate.

Q Your husband was a white man was he? A. No sir he was a Cherokee he was a relation of Mr. Starr here.

By Mr. Hastings-

Q Was your husband ever indicted either immediately before or after you went to Kansas? A. No sir.

Q Wasnt he accused of any trouble there the reason that you left?

A If he was I didnt know of it.

By the Commission

The applicant applies for enrollment as a Cherokee by blood. She is identified on the 1896 roll as a native Cherokee. She is not identified on the 1880 roll. She states that she married her husband, who was a Cherokee, in 1863, and that they lived together until his death in 1893. They moved to the state of Kansas, he following his trade as blacksmith and they lived there until 1893. She does not present a certificate of her re-admission by the Cherokee council or Commission. Her husband died in 1893. He is not upon any roll accessible to the Commission. The applicant states that she has lived in the Cherokee Nation ever since her return with her husband in 1893 and that during all the time they lived in Kansas she maintained property interests in the Cherokee Nation and made frequent visits thereto, and that four of her five children were born in the Cherokee Nation. For the further consideration of this case she will now be listed on a doubtful card and the decision of the Commission will be mailed to her at her post office address. She is desired to supply the Commission with a copy of the certificate of her re-admission if such action was ever taken. She states that she applied to the Council for re-admission and that they told her that she was all right and consideration is now needed as to her status in case she was not re-admitted by council.

Mary A. Payne 3.

Chas. von Weise being sworn states that as stenographer to the Commission to the High Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. von Weise

Subscribed and sworn to before me this 26th day of November, 1900

[Signature]

Commissioner.

2A 14 10 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

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FILE THE COLLECTED EVIDENCE
PROSECUTOR'S OFFICE
THE COMMISSION TO THE CIVILIZED TRIBES
SEP 11 1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES
FILED IN
SEP 11 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 9, 1901.

In the matter of the application of Silas D. Payne for enrollment as a Cherokee by blood.

Supplemental testimony behalf of applicant.

Appearances:

Applicant present in person:

J. L. Baugh, Cherokee Representative.

Silas D. Payne, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Silas D. Payne.

Q What is your postoffice address? A Kennison.

Q How old are you? A 31 years old.

Q You were an applicant before this Commission on the 6th day of December, 1900, were you? A At Tahlequah, yes, sir.

Q Did your father ever apply to the Cherokee National Council for readmission to citizenship? A I think he did.

Q What action was taken by the Council? A There was no action taken; my mother made an application the next year, my father died and there was no action taken the year he made the application.

Q What action was taken on the application made by your mother?

A Here it is right here in these papers (handing Commission papers.)

Q What was your mother's name? A Mary A. Payne.

Commission: The applicant presents a certificate from B. W. Alberty, Assistant Executive Secretary, Cherokee Nation, certifying that the name of William Payne appears on the Old Settler Cherokee rolls taken in 1851.

Q Are you the identical William Payne whose name appears upon that old settler roll? A No, sir, I am one of his boys.

Q That was your father? A Yes, sir.

Commission: This is filed herewith. Applicant also presents a certificate from B. W. Alberty, Assistant Executive Secretary, Cherokee Nation, certifying that certain names are to be found upon the receipt roll made on the payment of the per capita money under the provisions of the Act of the National Council dated November 17, 1874. Among the named mentioned appears that of W. P. Payne.

Q Is the W. P. Payne who is mentioned in this document your father?

A Yes, sir; Elias, that is my name, they just got it changed.

Q There also appears the name of one Elias B. Payne, which the applicant states is his own. How does it happen that your name appears to that certificate as Elias B. Payne? A They have just got it changed in that certificate, Mr. Alberty said he supposed it was put down when he made the roll, is all I know.

Q Did you ever have a brother named Elias? A No, sir.

Q What was your mother's name? A Mary A. Payne.

Q Did you have a sister named Susan? A Yes, sir.

Q A brother J. W. Payne? A Yes, sir.

Q And a sister named Joanna, and another brother named Elias A.?

A Yes, sir.

Commission: These documents will also be filed. The applicant also presents a certificate from J. T. Parks, Executive Secretary of the Cherokee Nation, to what purports to be a true and correct copy of the records of the National Journal as found upon pages 34 and 35, so far as the same relates to the parties mentioned therein. This document will also be filed.

Q Now is there any other document that you desire to introduce in evidence? A That is all I have here, I didn't know what other

- 2 -
evidence I would have to have. That is what I want to find out.

Grace G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Grace G. Jones

Sworn to and subscribed before me this the 9th of September, 1901.

M. D. Green
Notary Public.

"R"

Cherokee D 769.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Mary A. Payne for enrollment as a Cherokee citizen.

Appearances:

Jo.R.Sequichie, agent for applicants, Chelsea, I. T.
W.W.Hastings, attorney for the Cherokee Nation.

BY MR. SEQUICHIE: The agent for the applicant calls attention
of the Commission to the records of the Cherokee National
Council, (reads:

"House met, to adjournment. Speaker Jones in the
Chair. Quorum present. On motion of Mr. Jordan Committee
report on Mary A. Payne and childrens' petition for re-ad-
mission to citizenship was read, Council Bill No.17, 'An Act to
re-admit MaryAPayne and children to Citizenship' was reported
by the Committee. On motion of Mr. Woodall Council Bill No.17
was placed on its first reading. On motion of Mr. Dobson
Council Bill No.17 was placed on its second reading. On Mo-
tion of Mr. Dobson Council Bill No.17 was placed on its pas-
sage. Vote taken, Bill passed, and sent to the Senate.
Executive Department,
Cherokee Nation,
Tahlequah, Indian Territory,

December 12, 1900:

I hereby certify that the above and foregoing is a true
and correct copy of the record of the Council Journal as found
on page 34 and 35, so far as the same relates to the parties
therein named. Said record having been left in my custody
by the Clerk of Council.

J.T.Parks,
Executive Secretary."

BY MR. HASTINGS: Representatives of the Cherokee Nation call
attention to the fact that this certificate does not purport
to have been passed by the Senatebranch of the National
Council of the Cherokee Nation, or to have been approved by
the Principal Chief, and was therefore never a law.

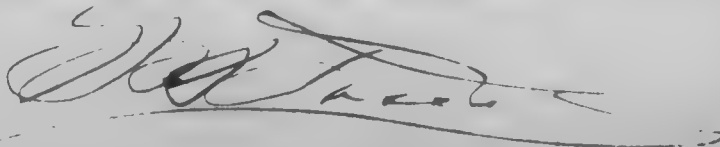
BY MR. SEQUICHIE: We submit this case to the Commission for
final consideration.

BY MR. HASTINGS: Cherokee Nation submits it.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this February 21, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 22nd, 1902.

In the matter of the application of Mary A. Payne for the enrollment of herself as a citizen by blood of the Cherokee nation.

Supplemental to D-769.

Appearances:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

MARY A. PAYNE, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name? A. Mary Payne.
Q. What is your post office address? A. Claremore.
Q. Were you born, Mrs. Payne? A. Born in Tahlequah district.
Q. How long did you continue to reside in the nation after your birth? A. I lived here all my life in the nation until seventy-seven.
Q. Where did you go in 1877? A. Went to Kansas.
Q. How long did you remain there? A. I remained there until 1893. I think it was 1893. '93 or '92.
Q. Did you return to the Cherokee nation at that time? 1892 or ~~1893~~ 1893? A. Yes, sir.
Q. After you returned did you make application to the national council or the commission on citizenship for admission to citizenship? A. Yes, sir.
Q. Did you apply to the council? A. Yes, sir; the council at Tahlequah.
Q. What action was taken by the council as regards your application? A. Well, I went before the council, I and my son, for citizenship, to be readmitted. They didn't give me no certificate. I went down there to be admitted, I and my son. Of course we were an expense there and wanted to go back home. We was there two days before they got to us. I had witnesses there with us, John Robinson and John Payne was my brothers in law, to prove who I was. When the council got through they said you are all right. You can go back now. I didn't think to ask for a certificate. It was an record. I didn't think anything about it until I went before the Commission.
Q. What is the name of your son? A. James M. Payne.
Q. Is he living now? A. Yes, sir; he is my oldest son.
Q. Was this application made to the council in your own name or in the name of some other person? A. I made the application in my own name for me and my children.
Q. Was anybody outside of your own family embraced in that application? A. No, sir.
Q. Have you resided here continuously since 1892? A. Yes, sir.

Examination by Mr. Hastings.

- Q. Mrs. Payne, was it some of the members of the committee that gave you this information? A. Sir?
Q. Was it some of the members of the committee, citizenship committee, that gave you this information? A. Which information?
Q. About your being admitted, or being all right? A. Why, yes, sir; it was the council.
Q. Well, it was some of the members of the council? A. Yes, sir.
Q. I suppose you went before a committee? A. Yes, sir; went before a committee.
Q. Was it some of the members of that committee that gave you that information? A. Yes, sir, I can tell you who it was. It was the

chairman. Old preacher Dobson. He says, Mrs. Payne, you are all right. If you want to you can go home, you are all right. He says if you want to you can go home. This is all right. I didn't ask for a certificate. I didn't think nothing about it. He told me to go home and rest easy.

Q. The council was in session when you went there? A. The council was in session when I went there.

Q. It remained in session when you were there. A. Yes, sir.

Q. It was still in session when you left? A. Yes, sir, still in session when I left.

Q. So far as you know there was no bill passed by the session of the council and signed by the chief at that time. A. No, sir; I don't know anything further than that.

Examination by the Commission.

Q. Did you draw the strip money in 1894? A. Yes, sir.

Q. Is that the only time you drew money? A. No, sir. I never drew but once before that. You remember when it was. It was in seventy something, though.

Q. Before you went to Kansas? A. Before I went to Kansas. It was ten---

By Mr. Hastings: Seventy-five?

A. \$10.75. Then I drew my old settlers money, and the strip money after I come back.

L. A. CAMPBELL, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name? A. L. A. Campbell.

Q. How old are you? A. 65.

Q. What is your post office address? A. Claremore.

Q. Are you acquainted with the applicant in this case, Mary A. Payne? A. Yes, sir.

Q. How long have you known her? A. All her life.

Q. Where was she born? A. She was born in Tahlequah district.

Q. Do you remember when she removed to Kansas--when she went to Kansas? A. I don't remember the year but I know the time she went.

Q. Do you remember when she came home? A. Yes, sir, she come in 1893 I think.

Q. Had she ever been recognized as a citizen before she went away?

A. Yes, sir.

Q. Has she been living here continuously since she returned?

A. Yes, sir.

Q. Do you know anything about her admission to citizenship in the Cherokee nation? A. No, sir; I don't know anything about that. I knew she went before the council.

Q. You don't know what action was taken? A. No, sir.

JOSHUA RESS, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Joshua Ress.

Q. What is your age? A. 69.

Q. What is your post office address? A. Muskegee.

Q. Are you acquainted with the applicant in this case, Mary A. Payne? A. I am.

Q. How long have you known her? A. I have known her about 50 years or more.

Q. Do you know anything about the application which she made to the national council of the Cherokee nation for admission to citizenship? A. I don't know anything about that. I knew she was born and raised as a Cherokee Indian in the Cherokee nation.

Q. Have you known her continuously? A. No, I haven't seen her since 1892.

Q. Until to-day? A. Yes, sir.

Q. Did you know her from the time of her birth until that time?

A. Yes, sir.

Q. Where was she born? A. Over in Tablequah near Park Hill.
Q. Were her father and mother both Cherokee? A. Yes, sir.
Q. Recognized as such? A. Yes, sir; always lived in the nation.
Her mother was an old settler.
Q. Did the applicant herself live here until 1872? A. No, I think when the war broke out they went south, and they came back and went in Canadian district.

WATT CRITTENDEN, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Watt Crittenden.
Q. What is your age? A. 25.
Q. What is your post office address? A. Claremore.
Q. How long have you known the applicant in this case, Mary A. Payne? A. I have known her since 1896.
Q. Then you don't know anything about the application which she made in Tablequah for admission to citizenship? A. No, sir.
Q. Did you ever know her prior to 1896? A. No, sir.

James O. Carr, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of July, 1902.

James O. Carr

C. B. Reuter
C. B.

18

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary A. Payne et al as citizens by blood of the Cherokee Nation, consolidating the applications of:

Mary A. Payne	Cherokee D-769
Johnsana D. McKelvey et al	Cherokee D-906
Silas D. Payne	Cherokee D-907

D E C I S I O N.

The record in these cases shows that the following applicants appeared before the Commission at the places hereinafter designated and made personal application for enrollment as citizens by blood of the Cherokee Nation:

On November 8, 1900, Mary A. Payne appeared before the Commission at Claremore, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 20, 1902, and on July 22, 1902.

On December 6, 1900, Johnsana D. McKelvey appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself and her minor children, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902.

On December 6, 1900, Silas D. Payne appeared before the Commission at Tahlequah, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 9, 1901, and at Muskogee, Indian Territory, on March 12, 1902.

The evidence shows that Mary A. Payne, Johnsana D. McKelvey and Lewis C. Perkey are identified as native Cherokees on the 1894 and 1896 rolls of the Cherokee Nation. Effie Perkey and Silas D. Payne are identified as native Cherokees on the Cherokee roll of 1896. Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne are the children of Mary A. Payne. Lewis C. Perkey, Effie Perkey and Edna A. McKelvey are the children of Johnsana D. McKelvey. Edna A. McKelvey is too young to appear upon any of the tribal rolls, but is duly identified by a birth affidavit made a part of the record herein.

It further appears that Mary A. Payne, Johnsana D. McKelvey, formerly Perkey, nee Payne, and Silas D. Payne were born in the Cherokee Nation and resided therein continuously until 1878, when they removed to the State of Kansas and remained there until 1892, when they returned to the Cherokee Nation. The evidence further shows that the

said Mary A. Payne, Johnsans . McKelvey, formerly Perkey, nee Payne, and Silas D. Payne have resided in the Cherokee Nation all their lives, except during the said period spent in Kansas. Said minor children of Johnsans . McKelvey, Lewis C. Perkey, Effie Perkey and Edna A. McKelvey, were born in, and have resided all their lives in the Cherokee Nation. All of the applicants herein were residents of said nation on the date of this application.

Article eleven of the agreement concluded between the United States and the Cherokee Nation, at Tahlequah, Indian Territory, on December 18, 1881, approved by the Principal Chief on January 2, 1882, and ratified by an Act of Congress approved March 3, 1893 (27 Stats., 615 - 641), provides as follows:

"For and in consideration of the above cession and relinquishment, the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or Acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section six of the treaty of 1835; and sections twenty-six and twenty-seven of the treaty of July 18, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation."

Upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief, pursuant to said agreement, which lists bear date of 1893, and are now in the possession of the Commission, it appears that the names of none of said applicants are found thereon. On the contrary, it appears that the applicants, with the exception of Effie Perkey and Edna A. McKelvey, have been identified on every tribal roll of said nation made since their return from Kansas. The said Effie Perkey was born subsequent to the taking of the last roll, but is identified on the Cherokee roll of 1896. Edna A. McKelvey was born subsequent to the taking of the 1896 roll, but is identified by birth affidavit.

It is, therefore, the opinion of this Commission that Mary A. Payne, Johnsans . McKelvey, Lewis C. Perkey, Effie Perkey, Edna A. McKelvey and Silas D. Payne should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Sixby.

Acting Chairman.

T. D. Woodies.

Commissioner.

C. R. Buchanan.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 2 1903

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Vinita I. T. March 21, 1903.

In the matter of the application of Mary A Payne et al for enrollment as citizens of the Cherokee Nation consolidating the applications of

Mary A Payne Cherokee D 769

John Sana D McKelvey et al Cherokee D 906

Silas D Payne Cherokee D 907.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the Decision of the Commission rendered in the above cases on March 2 1903 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The Commission admits these people solely upon the theory that because their names do not appear upon the list of intruders furnished by the Principal Chief in accordance with Article two of the Cherokee Agreement approved March 3 1893 that they are therefore entitled to be enrolled as citizens of the Cherokee Nation.

The Commissioner of Indian Affairs in the case of Joseph B Ladd et al Cherokee D 470 in very strong language states that this is no evidence to entitle one to citizenship in the Cherokee Nation and his views were concurred in by the Secretary of the Interior in the same case, to which reference is made.

The evidence in this case tends to show that the principal applicant Mary A Payne left the Cherokee Nation about 1878; she was a married woman and she and her husband removed to the state of Kansas where they continued to reside until after her husband's death in 1892 or 1893; they maintained a home in Kansas where all but one of their children were born; some of whom yet reside in Kansas. This family recognized that they had forfeited their citizenship in the Cherokee Nation because upon their return they memorialized the National Council to be readmitted to citizenship in the Cherokee Nation.. The testimony shows that a bill readmitting

the family passed the lower house of the National Council after same had been favorably recommended by a committee but there is no evidence that it passed the Senate of the Cherokee Nation or was approved by the principal Chief hence it never became a law or an act of the National Council and they therefore were never readmitted to citizenship in the Cherokee Nation.

The Cherokee Nation contends that they were citizens of the Cherokee Nation in 1878 that under the evidence they lost their citizenship by their removal to and continuous residence in the State of Kansas for a period of at least fourteen years..

The Cherokee Constitution provides, Article one section two, that "Whenever any citizen shall remove with his effects from the limits of this nation and becomes a citizen of any other Government all his rights and privileges as a citizen of this nation shall cease; provided nevertheless that the National Council shall have power to readmit by law to all the rights of citizenship any such person or persons who may ~~any~~ at any time desire to return to the Nation on memorializing the National Council for such readmission."

The applicants left the Cherokee Nation; They resided for a period of fourteen years in the State of Kansas, where they owned a home, and where all but one of their children were born and upon their return to the Cherokee Nation in 1892 or 1893 they realized that it was necessary to "Memorialize" the National Council for "readmission" and had a bill introduced into the Lower Branch of the National Council to readmit them in accordance with the above provision of the Constitution. They, by this act, admitted that they violated the terms of this provision of the Cherokee Constitution; they admit that they forfeited their citizenship; they admit that it was necessary to be readmitted to citizenship and this is an admission that unless they were readmitted in accordance with the Constitution and laws of the Cherokee Nation that if their names were placed upon any roll they would be placed there "Without authority of law."

The Cherokee Nation contends that the names of these applicants were placed upon the 1894 and 1895 rolls "Without authority of law because they could not be legally placed thereon without their first having been readmitted.

Respectfully,

W. W. Hastings, Jr.

Attorney for the Cherokee Nation.

CD
Law No. 769 906-7

Response of Applicants to
protest of the Cherokee Nation.

James H. Sampson
Attorney for Applicants.

- DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES -

In the matter of the application for the enrollment of Mary A. Payne, et-al, as citizens by blood of the Cherokee Nation, consolidating the applications of Mary A. Payne, Cherokee D. 769, Johnanna D. McElwey, et-al, Cherokee D 906, Silas D. Payne, Cherokee D 907.

Response of applicants to the protest of the Cherokee Nation:

Come the applicants herein and for their joint response to the protest filed by the Cherokee Nation, protesting against the approval of the ~~xxxxxxx~~ judgment rendered in their case by the COMMISSION TO THE FIVE CIVILIZED TRIBES on March 3rd, 1903, and for grounds of said response say that the protest filed by the Cherokee Nation does not clearly state the facts in the case of the testimony upon which the Commission to the Five Civilized Tribes passed their judgment. Upon the examination of the evidence taken before the said Commission it clearly appears from the testimony of Mary A. Payne, taken on November 8th, 1900, that the applicants herein were born and raised in the Cherokee Nation, and that they lived in the Cherokee Nation until 1873, when they moved to the State of Kansas and remained there until 1892 or 1893. The evidence shows the following facts, which are undisputed:

Q. Have you lived here ever since you came back in 1892?

A. Yes sir.

Q. Did you take all of your household goods up there?

A. Nothing but our beds, bedding and clothing. Had a farm down here

Q. Were your children all born up there in Kansas?

A. All but one was born in the Cherokee Nation.

Q. How many have you?

A. Five.

Q. Did you frequently come back to the Cherokee Nation while you were up there?

A. Yes sir. came back almost every year.

Q. You say you had a farm down here?

A. Yes sir.

Q. How old is your youngest child?

A. Twenty-two.

Upon cross examination by Cherokee Representative Hastings, the following testimony was given.

Q. Where is your place in Canadian District?

A. At Weathers Falls. we sold it.

Q. When did you dispose of it?

A. Just the year before we came back in 1893, in December.

Q. Did you receive rents annually from it while living in Kansas?

A. Yes sir.

48 These facts show that the Cherokee representatives have not followed the entire record in this case, and we respectfully submit that because of the fact that the applicants in this case memorialized the Cherokee National Council to ~~not~~ be readmitted to citizenship that that is not against them, and should not be taken against them from the uncontradicted evidence in this case shows that during all the time they resided in Kansas they owned and held ~~land~~ in the Cherokee Nation from which they derived an annual revenue. The section of the Constitution of the Cherokee Nation set out in the protest of the representatives of the Cherokee Nation shows conclusively that applicants are ^{within} ~~in~~ the purview of that section of the Constitution and the evidence in this case ^{hears} ~~drives~~ out applicants contention. The evidence further shows that applicants returned to the Cherokee Nation in 1893 or 1895, and have resided continuously in the Cherokee Nation since their return, and the applicants respectfully contend that the Cherokee Nation by its legally constituted authorities passed an act of the Cherokee National Council in 1895 providing for the making of the roll of Cherokees by blood to be used in the payment of what was known as the "Strip Fund", and that that roll was confirmed by the

legally constituted authorities of the Cherokee Nation and payment made therefrom, and that the applicants herein were placed upon that roll, as well as the roll of Cherokee citizens made in 1896 by the Cherokee authorities, and the Nation is now estopped from setting up a claim or contending that applicants are not entitled to the enrollment as Cherokee citizens by blood. The record clearly shows that all of applicants have resided continuously in the Cherokee Nation, and have enjoyed all the rights and privileges as citizens thereof since 1893, and ^{were} bona fide residents at the time of making their application. We respectfully insist that the decision of the Council on to THE FIVE CIVILIZED TRIBES, rendered on March 2nd, 1903, granting the application of the applicants and ordering them to be enrolled as citizens by blood of the Cherokee Nation were proper, and the same should be affirmed.

James L. Davenport
Attorney for Applicants.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee
D-769, D-906, D-907.

Muskegee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Mary A. Payne for the enrollment of herself as a citizen by blood; the application of Johnzana D. McKelvey for the enrollment of herself and her minor children, Lewis C. and Effie Perkey and Edna A. McKelvey, as citizens by blood; and the application of Silas D. Payne for the enrollment of himself as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-621

COMMISSIONER.

JAMES HINBY
THOMAS H. HEDGES
C. R. PROBERT
W. F. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-
769, 906 & 907.

ALLISON L. AVILSWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

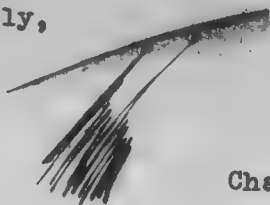
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been forwarded to the Secretary of the Interior, for review, the record of proceedings had in the consolidated case of Mary A. Payne et al., together with the Commission's decision, dated March 2, 1903, granting the application for the enrollment of Mary A. Payne, Johnsaana D. McKelvey, Lewis C. and Effie Perkey, Edna A. McKelvey and Silas D. Payne as citizens by blood of the Cherokee Nation, and the protest of the Cherokee Nation against said decision, dated March 21, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Chairman.

~~Mary A. Payne~~

~~A. Original testimony Nov 8 1900~~

~~B. Mem. of application Nov 8-1900~~

~~C. Notice of final consideration, 3/8/01~~

~~D. Supplemental testimony and order
closing testimony 2/5/01~~

~~Ma. 4:25, 414. Cancelled
1901. 1901. 11~~

incl

See to how her packet no 0007

Letter 7/8/01 (true)

Cher D 770

Cher D 770

R 770

ATTORNEY GENERAL
COMMISSION TO THE NINE CIVILIZED TRIBES
FILED

NOV 9 1900

RECEIVED
NOV 9 1900

U.S. DEPT. OF JUSTICE
WASHINGTON, D.C.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., November 8, 1900.

In the matter of the application for the enrollment of John George Rogers as a Cherokee by blood.

John L. Rogers, being sworn and examined by Commissioner McCallen, testified as follows:

Q What is your name? A John L. Rogers.
Q Your age? A 53.
Q What is your post office? A Skiatook.
Q For whom do you apply now to have enrolled? A John George Rogers a nephew of mine.
Q What is the name of the father of this nephew? A William N. Rogers.
Q Is he living? A No, sir, he is dead.
Q What is the name of his mother? A Mattie Rogers.
Q Is she living? A No, sir, both are dead.
Q Was she a Cherokee by blood? A No, sir, a white woman.
Q Was the father of John George a Cherokee by blood? A Yes, sir, same as I am, about 1/4.
Q Have you any proof of the marriage of John George's father to his mother? A No, sir, not any at all.
Q That will be necessary? A Well I didn't get anything.
(William N. Rogers on 1880 roll, page 304, No. 2155, W. N. Rogers, Delaware district.)
Q How old is this boy? A He is 17 years old I guess.
Q Did they have an older child than George? A Yes, sir, they had Sarah Dona.
Q You don't know whether he was on the 1896 roll or not? A I think he was at the Asylum.
(John George Rogers on 1896 roll, page 1046, No. 113, George Rogers, Orphan Roll, Saline district.)
Q Is this child alive and living with you at this time? A Yes, sir, he is living.

The name of John George Rogers is found upon the census roll of 1896, under the name of George Rogers. The name of his father, William N. Rogers, is found upon the authenticated roll of 1880. Satisfactory proof of residence is made, and it is averred that the said John George Rogers is the lineal descendant of William N. Rogers, whose name appears upon the authenticated roll of 1880, and his wife Mattie, a white person. No proof is submitted to the Commission as to the marriage of the father of said John G. Rogers with his wife Mattie, consequently final judgment as to the enrollment of the said John George Rogers will be suspended, awaiting proof of marriage between his father, William N. Rogers, and his mother, Mattie.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 9th of November, 1900.

Bruce C. Jones
Charles E. Jones

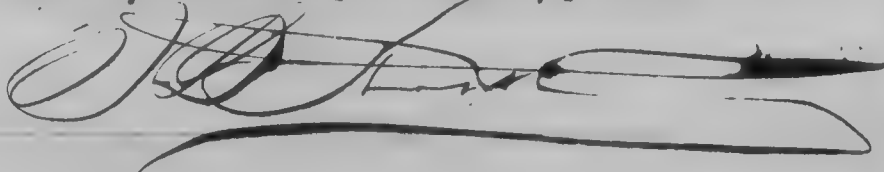
Supl.-C.D.#770.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN G. ROGERS
as a citizen of the Cherokee Nation:

The applicant's guardian, John L. Rogers, was notified by registered letter February 18, 1902, that the application of his ward, John G. Rogers, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of February, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting the application of said John G. Rogers. He was also requested to supply the Commission with evidence of the marriage of the parents of the applicant. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 8th day of March, 1902, been called three times and failing to respond, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee Representative, present.



Commissioner.

J.O.R.

DEPARTMENT OF THE INTERIOR
COMMISSION FOR THE FIVE CIVILIZED TRIBES
JULY 28 1902



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Department of the Interior,
Commission to the Five Civilized Tribes,
White Oak, I. T., June 3, 1903.

In the matter of the application of J. George Rogers for enrollment as a citizen of the Cherokee Nation; he being sworn and examined by ~~the~~ Commissioner G. R. Breckinridge, testified as follows:

- Q Give me your full name. A J. George Rogers.
Q How old are you? A Twenty years old.
Q What is your postoffice? A White Oak.
Q In what district do you live? A Delaware.
Q Do you claim to be a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Your father and mother are dead are they? A Yes sir.
Q Give me the name of your father. A William Nelson Rogers.
Q How long has he been dead? A About fourteen years.
Q Was your father a white man or Cherokee? A Cherokee by blood.
Q Give me your mother's name? A Samantha Frances Rogers.
Q Was she a Cherokee or white woman? A White woman.
Q How long has she been dead? A About 16 years.
Q Was your father ever married before he married your mother? A Yes sir.
Q How many times? A Once.
Q What was the name of that wife? A Sarah Washington.
Q Was she dead when he married your mother? A Yes sir.
Q Was your mother married before? A No sir.
Q When were they married? A April 2, 1880.
Q Did you ever hear of your father living anywhere except in the Cherokee Nation? A No sir.
Q Who brought you up after your father and mother died? A Jack Rogers.
Q You always went by the name of Rogers then? A Yes sir.
Q Did you always live in Delaware? A No sir, I lived in Cooweescoowee about eight or ten years.
Q The last eight or ten years? A Yes sir. I was in the orphan school on Grand River in 1896.
Q What is the "J" in your name for? A John.
Q John George? A Yes sir.
Q They generally call you George though? A Yes sir.
Q Who was your guardian? A Jack Rogers until a few years ago, and then the court appointed Tom Gamble my guardian; he was appointed two years ago last November.
Q Were you ever at the Cherokee orphan asylum? A Yes sir.
Q How long did you stay there? A About five years.
Q When did you leave there? A I left there in '95 or '96; in November '96 I think it was on the 14th day of November; it was a year before Wallace Ross was thrown out.
Q Have you ever been on any roll? A On the '96 I think.
Q Did you draw strip money? A Yes sir.

Elizabeth Hampton, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name. A Elizabeth Hampton.
Q How old are you? A If I live to see next August I will be 87 years old I reckon.
Q How long have you lived in the Cherokee Nation? A Ever since it was first struck up, I was one of the first injuns that come here.
Q What is your postoffice? A White Oak.
Q Do you know this man, J. George Rogers? A Well sir ever since he was two months old. I haven't knowed him since he got grown - all the time up until he got a big boy I knowed him; I knowed his father and mother - before his father was married.
Q Give me his father's name? A I never heard anything but Connor Rogers.

2- J. George Rogers.

Q Was that a nick-name they called him? A I reckon that was part of his name.

Q Did you ever hear him spoken of as William N. Rogers? A Not that I ever heard of.

Q Just Connor? A Yes sir, his father and stepmother call him that.

Q And this young man's mother what was she called? A Samantha, she had a big long double name and I couldn't keep up with it.

Q Well this young man's father and mother has been dead a good long time? A Yes sir, quite a while, I can't tell you how long, they have been dead a long time.

Q Do you know whether this man was ever at the Cherokee orphan asylum? A Yes sir.

Q Has he always lived in the Cherokee Nation as far as you know?

A Always, as far as I know.

Q Was his father a recognized Cherokee citizen? A Yes sir.

Q About how much Cherokee blood did he have in him? A Pretty near all Cherokee.

Q And his mother was a white woman I believe? A Yes sir.

Q Did you know they lived together as husband and wife? A Yes sir.

Q Always recognized as lawfully married? A Yes sir, always recognised as man and wife. If they hadn't been they wouldn't have lived together.

Q They lived together until he died? A No, until she died, she died first.

The applicant applies for the enrollment of himself as a Cherokee by blood; it seems that he is the son of a white woman who was lawfully married to a Cherokee citizen and that he has been an orphan for some fourteen years or more and was an inmate of the Cherokee orphan asylum for five years ending 1895; at present however, the applicant cannot be identified upon any roll though he states he was enrolled in 1896 and 1894; neither can his deceased father or mother be identified on any roll. He appears to have lived in the Cherokee Nation all his life. He will now be listed for enrollment as a Cherokee by blood on a doubtful card awaiting a further examination of the record in his case.

(Upon examination of the roll of 1880 at the office of the Commission, the applicant's father is found thereon on page 304, No. 2155 in Delaware District as W. N. Rogers.)

Applicant recalled: Have you an uncle named Jack Rogers? A Yes sir.

Q Is that his full name? A John Lewis is his full name.

Q Where does he live? A At Collinsville.

Q Was he your father's brother? A Yes sir.

Q You haven't got any aunts? A No sir, none on my father's side.

The undersigned, being duly sworn, states that as stenographer to the Commission of the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of June, 1903.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John George Rogers as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 9, 1900, John L. Rogers appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of his nephew, John George Rogers, an orphan, as a citizen by blood of the Cherokee Nation. On June 3, 1900, John George Rogers himself appeared before the Commission at White Oak, Indian Territory, and again on November 9, 1900, at Muskogee, Indian Territory, and submitted evidence in the matter of the application for his enrollment as a citizen by blood of the Cherokee Nation.

The evidence in this case shows that John George Rogers is the son of William F. Rogers, a Cherokee by blood, who is identified on the Cherokee Authenticated Tribal Roll of 1866, and Martha F. Rogers, a white woman. Upon examination of the tribal rolls of the Cherokee Nation in the possession of this Commission, John George Rogers is identified on the Cherokee Census Roll of 1827, on the Cherokee Pay Roll of 1827, on the Cherokee Pay Roll of 1828, on the Cherokee Pay Roll of 1829, and on the Cherokee Census Roll of 1829.

The evidence further shows that the said John George Rogers has lived in the Cherokee Nation a full life, and was a resident therein on the date of this application.

It is, therefore, the opinion of this Commission that John George Rogers should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED

Tams Birk

Acting Chairman.

RECEIVED

I. B. Needles

Commissioner.

RECEIVED

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 20 1901

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDDER

ALLISON L. AVIERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-770.

ALLIANCE WITH THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of John L. Rogers for the enrollment of his nephew, John George Rogers, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-7.

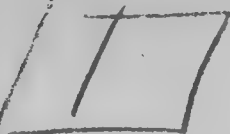
John G. Rogers

A. Original testimony. Nov 9-1900

B. Memo. of application. Nov 9-1900

C. Notice of final consideration, 3/8/02

D. Order closing testimony, 3/8/02



Cher D 771

Cher D 771

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE NINE CIVILIZED TRIBES.

Lawrence, I. T. November 21st, 1900.

IN THE MATTER OF THE APPLICATION OF PLEASANT CUMIFORD AND THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE CITIZENS.

The said Pleasant Cumiford, being sworn and examined by Commissioner T. P. Weadler, testified as follows:

Q What is your name? A Pleasant Cumiford.
Q What is your age? A Forty-four.
Q What is your post office address? A Pryor Creek or here either.
Q What district do you live in? A Coowasecawee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A Well, sir, I couldn't tell.
Q Who did you desire to enroll besides yourself? A Me and my family.
Q Your wife and family? A Yes, sir.
Q What is the name of your wife? A Letha.
Q Is she a citizen by blood? A No, sir; she is a white woman.
Q Have you any certificate of marriage to her? A No, sir;
Q When did you marry her? A Twenty-three or twenty-four years ago. I married her in the States.
Q What is her age? A She is forty.
Q Have you got any certificate of marriage to this woman? A No, sir. There wasn't any such thing when I was married.
Q You were married in Kansas? A No, sir; in St. Clair County, Missouri.
Q You got a certificate of marriage? A No, sir; there was no use in it then.
Q Lethe C. is your wife? A Yes, sir.
Q Robert T. is your oldest son? A Yes, sir.
Q Is he married? A No, sir.
Q How old is he? A Twenty years old.
Q The next child? A Henry S.
Q How old? A Eighteen years old.
Q The next child? A Julia A.
Q How old is she? A Fifteen years old.
Q The next child? A Benjamin T.
Q How old is he? A Thirteen years old.
Q What is the name of the next child? A Paulah C.
Q How old is she? A Ten years old.
Q The next child? A Watt.
Q How old? A Six years old.
Q The next child? A Margarette.
Q How old? A Nine months old.
Q That makes seven children at home, is that right? A Yes, sir.
THE COMMISSIONER: The applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on Citizenship at Tahlequah under date of January 26th, 1888, certifying that on the 26th day of February 1887 Pleasant Cumiford, Rosa May Cumiford, R. S. Cumiford, H. S. Cumiford, Benjamin T. Cumiford and Julia A. Cumiford were admitted to Cherokee citizenship. Said certificate being signed by J. T. Adair Chairman of the Commission on citizenship, C. C. Lips, Clerk of the Commission, approved and endorsed by J. B. Hayes, Principal Chief, issued under the great seal of the Cherokee Nation.

Q Are you the identical Pleasant Cumiford that is mentioned in this certificate? A Yes, sir.

Q These are your children mentioned here? A Yes, sir.

Q How long have you been living in the Cherokee Nation? A I have been here for twenty-three years.

Q You have been living here continuously since you were admitted?

A Yes, sir, straight. I never have been out.

Q You were married at that time? A Yes, sir.

Q Your wife was not admitted with you at that time? A No, sir.

1896 Roll, page 126, No. 776, Pleasant Cumiford, Coconawawee District.

1896 Roll, page 298, No. 193, Letha C. Cumiford, Coconawawee District.

1896 Roll, page 126, No. 777, Robert L. Cumiford, Coconawawee District.

1896 Roll, page 126, No. 778, Henry C. Cumiford, Coconawawee District.

1896 Roll, page 126, No. 779, Julia Ann Cumiford, Coconawawee District.

1896 Roll, page 126, No. 780, Ben J. Cumiford, Coconawawee District.

1896 Roll, page 126, No. 781, Paulah Cumiford, Coconawawee District.

1896 Roll, page 126, No. 782, Watt Cumiford, Coconawawee District.

(Examination by Mr. W.W. Hastings, Counsel Cherokee Nation)

Q What was your mother's name? A Rachel Fisher.

Q From whom did you get your Cherokee blood, your father or mother? A My mother.

Q Rachel Fisher? A Yes, sir.

Q Then how did Rachel Fisher get her Cherokee blood, her father or mother? A I couldn't tell you.

Q You don't know? A No, sir.

Q You don't know which of your grand parents on your mother's side was a Cherokee? A No, sir.

Q Now, then, did you establish your case of citizenship? A Well I have proven it by old people out there that know them.

Q Where were you born? A I was born, they claim, right there east of Tahlequah.

Q Then you were first old enough to remember where were you? A In Bates County, Missouri.

Q How long did you live in Bates County, Missouri? A As well as I remember I was there about seven or eight years.

Q How long have you been a resident of the Cherokee Nation?

A I have been here about twenty-two years.

Q What witnesses did you have before the Court to establish your citizenship when you were admitted? A Mr. Christie.

Q What Christie? A Yes, sir.

Q He is an old man the lives near Tahlequah now? A Yes, sir; I guess he is alive yet.

Q Who else? A He was the only man I needed.

Q He was the only witness you had? A Yes, sir.

Q Was Watt Christie a witness in a considerable number of cases about that time? A I don't know. I couldn't tell you that.

Q Did you give Watt Christie any consideration to testify for you? A No, sir.

Q Did you give him a horse? A No, sir. I didn't give him no horse to testify for me.

Q Did you offer to? A No, sir.

Q You don't know then anything about your people any further back than your mother? A No, that is all.

Q And Watt Christie is the only witness who testified to the material facts in your case. A That is ~~not~~ a fact sir; he was the man.

MR. WATKINS: I protest, then, in behalf of the Cherokee Nation, and ask that this application be held up.

THE COMMISSIONER: Are those children all alive and living with you at this time? A Yes, sir.

THE COMMISSIONER: The name of Pleasant Cumiford appears upon the census roll of 1890, and he presents a certificate of admission to Cherokee citizenship duly signed and under seal, which certificate is filed herewith. The name of his wife, Letha C., appears upon the census roll of 1890 as well as the names of his children Robert A., Henry C., Julia C., Benjamin, Paula C., and Watt, and he presents satisfactory proof as to a younger child, Margarette, whose name does not appear upon the census roll. He makes satisfactory proof as to his residence and is duly identified. Comes the Cherokee Nation, by its duly representative, and protests against the enrollment of the said Pleasant Cumiford and his family. By reason of the protest filed judgment as to the enrollment of the said Pleasant Cumiford and his said children will be suspended, and their names will be placed upon a census record.

The applicant applies for the enrollment of his wife, Letha C.; he avers that he was married to her before he was admitted to Cherokee citizenship and her name does not appear in said certificate, nor is there any evidence produced that she was admitted to citizenship. Consequently the application for the enrollment of his wife will be rejected.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of October A. D. 1900.


Commissioner.

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DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES

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Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 15th 1900

WATT CHRISTY being sworn before Commissioner Needles, testified:
By the Commission:-

Q What is your name? A. Watt Christy.
Q What is your age? A. 84 or 85.
Q What is your post office? A. Wauhatchie
Q Are you a Full Blood Cherokee? A. 1/2 blood.

BY CHEROKEE REPRESENTATIVE, W. W. HASTINGS

Q Do you know Pleasant Comfort? A. I cant say that I have always known him, but I suppose that I have known him since he was a little boy, and he is always insisting to me that he is a Cherokee.
Q Did you know Comfort's mother? A. No sir.
Q Did you know Comfort's father? A. No sir.
Q Just took Comfort's word for it that he was a Cherokee? A. Yes sir
Q Dont know any of his people? A. No sir.
Q Didnt he give you a horse to testify for him? A. Yes sir.
Q And you dont know anything about him except what he told you? A. Yes sir.
Q He told you that he didnt have any other brothers? A. Yes sir, that he was the only one.
Q Where did you first see him? A. He came to my house where Bill Sh Christy lives, my old place.
Q And told you he was a Cherokee? A. Yes sir.
Q Told you that he wanted you as a witness? A. Bird Hampton send Comfort to my house.
Q You didnt know Comfort when he came here? A. No sir.
Q He told you who he was didnt he? A. Yes sir.
Q And he told you that he would give you a horse to testify for him A. Yes sir.
Q He give you that horse didnt he? A. Yes sir.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 10th of January, 1901.

Chas. von Weise
[Signature]
Commissioner.

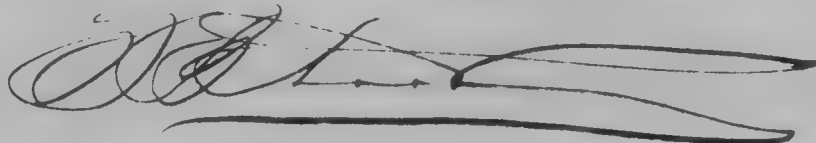
Supl.-C.D.#771.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of PHEASANT CUMFORD, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 16, 1902, that his application for the enrollment of himself and minor children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902, and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this day, to-wit: the 8th day of March, 1902, been called three times and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. J. C. Starr, Cherokee Representative, present.



J.O.R.

Commissioner.

1000

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Pleasant Cumiford, et.al.,
for enrollment as Cherokee citizens consolidating the applications of:

Pleasant Cumiford, et. al. . . . Cherokee D 771 ✓
Letha C. Cumiford, Cherokee R 364. ✓

D E C I S I O N.

The record in these cases shows that on November 9, 1900, Pleasant Cumiford appeared before the Commission at Claremore, Indian Territory, and then and there made application for the enrollment of himself and his children, Robert S., Henry S., Julia A., Benjamin F., Beulah C., Watt and Margarette Cumiford, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Letha C. Cumiford, as a citizen by intermarriage of the Cherokee Nation. On December 15, 1900, further proceedings were had at Tahlequah, Indian Territory, relative to this application.

The evidence shows that Pleasant Cumiford and his four children, Robert S., Henry S., Benjamin F. and Julia A., were admitted to citizenship in the Cherokee Nation on February 26, 1887. He had been previously married to his wife, Letha C., in 1876 or '77. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said Pleasant Cumiford, his wife, Letha C., and the above named children, excepting the youngest, are identified on the Cherokee Census roll of 1896. An examination of the tribal rolls, in the possession of this Commission, shows that Pleasant Cumiford and his four older children are identified on the Strip payment roll of 1894. The youngest child, Margarette, is too young to be upon any roll, but she is identified by a birth affidavit on file with this Commission.

The evidence further shows that the said Pleasant Cumiford and the four children admitted with him have resided in the Cherokee Nation since the date of such admission. The residence of the wife, Letha C., is necessarily that of the husband. It further appears that all of the applicants herein were residents of the Cherokee Nation at the date of this application.

It is, therefore, the opinion of this Commission that Pleasant Cumiford, Robert S. Cumiford, Henry S. Cumiford, Julia A. Cumiford, Benjamin F. Cumiford, Beulah C. Cumiford, Watt Cumiford and Margarette Cumiford should be enrolled as citizens by blood of the Cherokee Nation, and that Letha C. Cumiford should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of

section twenty-one of the Act of Congress approved June 25, 1896,
(30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 11 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

Muskogee, I. T. August 26th 1902.

In the matter of the application of Pleasant Cumiford et al for enrollment as citizens of the Cherokee nation.

In this case is consolidated the following applications:

Pleasant Cumiford et al--- D 771

Lethia C. Cumiford-----MR 364.

Motion for Rehearing.

Comes now the Cherokee nation and moves the Commission for a rehearing in the above case for the reason that the testimony conclusively shows that the applicant Pleasant Cumiford obtained his citizenship in the Cherokee Nation by means of bribery and perjured testimony.

The testimony shows that his only witness before the Commission in 1887 when he was admitted to citizenship in the Cherokee Nation was one Watt Christie who the applicant avers knew his grand parents and his ancestors; knew that he was a Cherokee by blood and in fact it was upon Watt Christie's testimony alone that the applicant was admitted to citizenship in the Cherokee Nation because the applicant himself did not know through whom he derived his Cherokee blood and nothing back of his grand parents of his own people.

Watt Christie his witness was introduced at Tahlequah who swore that he never knew the applicant until he came to get him to testify for him. That he never knew that he was a Cherokee by blood; that he did not know his parents and that the applicant gave him a horse to testify for him before the Commission in 1887. If it be true that Watt Christie was the only witness of importance for Pleasant Cumiford as he himself admits and if Watt Christie did not know any thing of his ancestors he did not know the applicant himself until the time that the applicant was admitted, then the applicant was admitted wholly upon perjured testimony secured by bribing his witness Watt Christie with a horse and we do not believe that the attention of the Commission was called to this state of the case because we can not believe that the Commission would admit the applicant if their attention was called to the fact that he was admitted

upon the sole testimony of watt Christie and that watt Christie did not know his parents and that he received a horse as a consideration for his giving perjured testimony in the case.

For these reasons we respectfully move the Commission for a rehearing in the above cases.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee nation.) CS

J. C. S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I. T., Sept. 17, 1902.

In the matter of the application)
of Pleasant Cumiford for the enrollment of)
himself, wife and children as citizens of)
the Cherokee Nation, consolidating the ap-)
plications of)

) MOTION TO REOPEN CAUSE.

) Pleasant Cumiford, et al., Cherokee D 771,)

) Letha C. Cumiford, . . . Cherokee R 364.)

STATEMENT OF RECORDS.

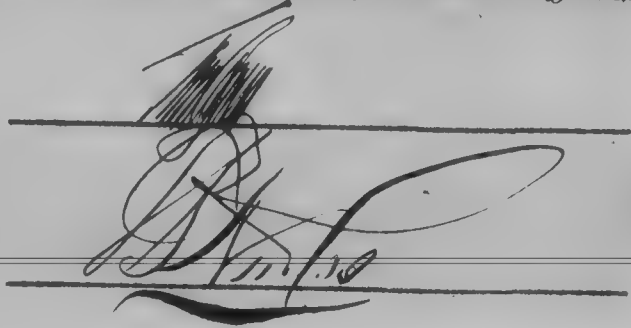
The record in this case shows that on November 9, 1900, Pleasant Cumiford appeared before the Commission to the Five Civilized Tribes at Claremore, Indian Territory, and made personal application for the enrollment of himself and children, Robert S. Cumiford, Henry S. Cumiford, Julia A. Cumiford, Benjamin F. Cumiford, Beulah C. Cumiford, Watt Cumiford and Margarette Cumiford, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Letha C. Cumiford, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, December 15, 1900, and at Muskogee, Indian Territory, March 8, 1902. On the 11th day of August, 1902, the Commission rendered a decision granting the application of Pleasant Cumiford for the enrollment of himself and children as citizens by blood, and for the enrollment of his wife as a citizen by intermarriage, of the Cherokee Nation.

Under date of August 26, 1902, the Cherokee Nation, by its representative, filed a motion to reopen cause, alleging that Pleasant Cumiford procured his admission to citizenship in the Cherokee Nation by practicing fraud and deceit.

ORDER.

It is, therefore, ordered by this Commission that the motion to reopen this case be, and the same is hereby allowed, and that the decision of the Commission, heretofore rendered, be set aside and held for naught.

It is further ordered that this cause be set down for further hearing at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on the 21 day of October 1902.

A large, stylized handwritten signature in dark ink, appearing to be 'C. R. Buckinridge', written over two horizontal lines.

C. R. Buckinridge.

Commissioners.

Dated at Muskogee, Indian Territory,
this 15 day of October 1902.

U. S. DEPARTMENT OF AGRICULTURE

NOV 1 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 31, 1902.

In the matter of the application of Pleasant Cumiford for the enrollment of himself and his children, Robert S. Cumiford, Henry S. Cumiford, Julia A. Cumiford, Benjamin F. Cumiford, Beulah C. Cumiford, Watt Cumiford and Margaret Cumiford, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Letha C. Cumiford, as a citizen by intermarriage of the Cherokee Nation.

It appears from the record in this case that under date of August 11, 1902, the Commission rendered a decision in the consolidated case of Pleasant Cumiford, et al., Cherokee D 771, and Letha C. Cumiford, Cherokee R 364, granting the application of Pleasant Cumiford for the enrollment of himself and his children, Robert S. Cumiford, Henry S. Cumiford, Julia A. Cumiford, Benjamin F. Cumiford, Beulah C. Cumiford, Watt Cumiford and Margaret Cumiford, as citizens by blood, and for the enrollment of his wife, Letha C. Cumiford, as a citizen by intermarriage, of the Cherokee Nation.

Under date of August 26, 1902, the Cherokee Nation filed with the Commission a motion for a rehearing, alleging that Pleasant Cumiford obtained his citizenship in the Cherokee Nation by means of bribery and perjured testimony.

Under date of October 15, 1902, it was ordered by the ~~Commission to the Five Civilized Tribes~~ that the motion of the Cherokee Nation to reopen the case be, and the same is, allowed, and that the decision of the Commission theretofore rendered be set aside and held for naught, and it was further ordered that this cause be set down for further hearing at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on the 31st day of October, 1902.

It further appears that under date of October 16, 1902, Pleasant Cumiford and the representative of the Cherokee Nation were furnished with a copy of the order of the Commission reopening the case, and notified that the same would be set down for further hearing at the offices of the Commission, at Muskogee, Indian Territory, on the 31st day of October, 1902.

Comes now the representative of the Cherokee Nation and moves that this cause be continued until November 10, 1902, for the reason that the Cherokee Nation was unable on this date to introduce the witnesses that were subpoenaed.

The motion of the Cherokee Nation will be entertained and the case set down for hearing at the offices of the Commission, at Muskogee, Indian Territory, on November 10, 1902, and the Cherokee Nation will be required to make satisfactory proof of service on the applicant before the testimony will be heard.

---ooOoo---

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 31st day of October, 1902.

J. F. [Signature]

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Hunkah, I. T., November 11, 1900.

In the matter of the application of Pleasant Gurnard for the enrollment of himself and children, Robert A., Henry C., Julia A., Benjamin F., Beulah C., Watt and Marguerite Gurnard, all of whom by blood of the Cherokee Nation.

J. C. Starr, being sworn, and once used by the Cherokee representative, W. F. Hastings, testified as follows:

Q What is your name? A J. C. Starr.

Q Are you stenographer for the Cherokee Nation? A Yes sir.

Q I will ask you if you have tried to get service upon the applicant? A Yes sir., I have; I have been trying to locate the applicant in this case and received letters from S. H. Mayes at Pryor-creek and A. Boyil at Boyil, I. T., and have been advised by these parties that they do not know where the applicant now lives.

Q Did he give his postoffice address at Pryorcreek in the original application? A Yes sir.

Q Did you ever send notice to Pryorcreek? A I sent notice to S. H. Mayes at Pryorcreek and he returned it and said he didn't know where he was.

By Mr. Hastings: Cases now the Cherokee Nation and moves to be permitted to take testimony in this case for the reason that service cannot be had upon the applicant as provided for by the rules established by the Daves Commission.

By the Commission: The motion will be granted and the testimony taken.

William T. Hutchings, being sworn and examined, testified as follows:

By W. F. Hastings: What is your name? A William T. Hutchings.

Q What is your postoffice? A Hunkah, I. T.

Q Were you attorney for the Cherokee Nation in citizenship matters in 1896? A I was.

Q Do you remember about how many applications were filed at that time for enrollment before the Daves Commission? A About five thousand.

Q I will ask you if Wat Christie was a witness in a great many of these cases at that time? A He was a witness in a very large number of cases that were filed before the Commission at that time, and a witness in a very large number of cases previously presented to the Cherokee authorities.

Q I will ask you if you made any investigation to ascertain his reputation throughout the country for truth and veracity? A I did ask I expect possible about one hundred people about him at Tahlequah and elsewhere at that time and since.

Q I will ask you what that reputation was, good or bad? A I found his reputation for veracity was universally bad. I will say that I took the affidavits of prominent citizens of the Cherokee Nation, saying that and they are on file before the Commission in Cherokee citizenship cases.

By the Commission: Do you know where Mr. Christie resided during the year 1896? A I do not. I believe it was very near Tahlequah. I infer that from this fact, that one or two people who had cases before the Commission told me that they were going out after his affidavit and they took horse and buggies and went out there and I don't think it was very far from there.

(Starr's note: Year in above question is "1896.")

Q Did you talk, Mr. Hutchings, with people about that? A With people who knew him personally; I don't know where they lived. It seemed he was at those times a pretty regular attendant at the Council and citizenship Court.

Q Do you know what his reputation was in his neighborhood? A I know what it was at Tahlequah which I think was near his residence. I think that is in the neighborhood in which he lives though I can't of my own knowledge say that.

James S. Davenport, being sworn and examined, testified as follows:

By W. W. Hastings: What is your name? A James S. Davenport.

Q Your postoffice is Vinita? A Yes sir.

Q You are a practicing attorney? A Yes sir.

Q I will ask you if you were one of the representatives of the Cherokee Nation in citizenship matters in 1896? A Yes sir, I was.

Q I will ask you if during that time, and previous to that time, and since that time, both in the representation of the Cherokee Nation and in the practice of law and attendance upon the Cherokee Councils you were called at Tahlequah quite a good deal? A Yes sir, I expect I made an average of being in Tahlequah at least once a month for the last five years; often I stayed there for thirty days at a time.

Q I will ask you if you were well acquainted with the people in and around Tahlequah? A Yes sir, I have a general acquaintance in and through-out Tahlequah District.

Q I will ask you if you are acquainted with the reputation of an old Cherokee man residing near Tahlequah by the name of Wat Christie? A Yes sir, I am.

Q I will ask you what that reputation is, whether it is good or bad in connection with citizenship matters? A His reputation with reference to truth was bad; in fact his reputation was that he would make an affidavit to anything for compensation.

Q I will ask you if he was generally known as a citizenship witness? A Yes sir. The year before Congress gave the Dawes Commission power to pass upon these citizenship cases every council that met, on anything that came up, Wat came in with an affidavit. In 1896 when the Commission was there I am satisfied that out of the five thousand cases he gave one hundred and fifty affidavits in different cases.

Q Did you ever talk with Wat Christie with reference to his being a witness in citizenship cases? A Yes sir, I did in September, 1896.

Q Did he acknowledge that he was generally paid a small consideration for testifying? A Yes, he said he got a ~~\$1.50~~ \$1.50 to \$2.00.

J. C. Starr recalled and examined by W. W. Hastings:

Q Your name is ----- A J. C. Starr, aged thirty-two, post-office Vinita, I. T.

Q You are a Cherokee citizen? A Yes sir.

Q I will ask you if you ever have been in attendance upon the Cherokee National Councils, say prior to 1896 and since? A Yes sir.

Q I will ask you if you were ever personally acquainted with Wat Christie? A Yes sir.

Q Do you know anything about his reputation for testifying in citizenship cases, I mean his reputation for veracity? A Yes sir.

3-Pleasant Gumiford et al.

Q Testifying before Citizenship Commissions and Court? A Yes sir.
Q What is his reputation? A His reputation for truth and veracity in citizenship cases is very bad. I was a member of a Citizenship Committee prior to 1896 for about two terms and I know the Committee disregarded his testimony entirely.

Q Paid no attention to it? A Paid no attention to it.

Q Wasn't his reputation most exceedingly bad? A Yes sir.

Q Was his testimony disregarded? A Yes sir, disregarded by the Senate Committee on Citizenship.

Q Do you know Pleasant Gumiford, the applicant? A Yes sir.

Q How near did he live to you up there? A Lived within about two miles from where I lived on Cowskin Prairie.

Q Did he have a brother up there? A Yes sir.

Q Did he claim citizenship in the Cherokee Nation? A No sir, not to my knowledge.

By Mr. Hastings: For the purpose of showing the contradiction in the testimony of Wat Christie whom applicant alleges testified in his behalf before the Commission who had admitted him on January 20, 1888, the Cherokee Nation offers in evidence the original testimony, taken from the files of the Executive Department of the Cherokee Nation, of Wat Christie in the case of Pleasant Gumiford vs. the Cherokee Nation, and desires to call the attention of the Commission to the fact that in his original testimony Wat Christie testified that applicant's mother was Rachel Fisher; that she was a relative of his; that she lived near him; that she had one child and that he recognized the applicant as that child. Whereas, in his testimony before the Commission to the Five Civilized Tribes on December 15, 1900, Christie said that he didn't know Pleasant Gumiford's mother, neither did he know his father, and that he didn't know anything whatever about the applicant except what the applicant himself had told him, and that the applicant had given him a horse to testify for him; and he further testified that he didn't know Pleasant Gumiford when he came there, meaning when he came there to get him to testify for him.

W.W. Hastings, being sworn and examined, testified as follows: My name is W. W. Hastings, my postoffice is Tahlequah; I am the attorney for the Cherokee Nation before the Dawes Commission in the matter of Cherokee citizenship. I have been connected with Cherokee citizenship for the Cherokee Nation since about 1893 almost continuously. I knew Wat Christie personally; he is now dead, having died this year some time. He lived around Tahlequah most of the time with his daughter who is Sam Manus' wife. He was quite an old full-blood and was used before every citizenship commission and the committees of the Council and before the Dawes Commission in 1896 by all designing fraudulent citizenship attorneys and by fraudulent citizenship applicants, and his reputation throughout the whole of the Cherokee Nation I might say, and particularly in and about Tahlequah, his home, was universally bad for testifying falsely in citizenship cases for truth and veracity. His testimony was not regarded at all by any of those people in authority, and I have found perhaps only this one case where any applicant was admitted upon the sole testimony of Wat Christie, and the only way I can account for them being admitted in this one was because this case was among the first cases that that Court admitted and they were perhaps not at that time ~~quite~~ acquainted with the reputation of Wat Christie ~~during his lifetime~~ for truth and veracity. I have talked with Wat Christie during his lifetime, and a number of times, about his case, and I remember a conversation I had with Christie while Pleasant Gumiford appeared before the Commission at Claremore for enrollment, and from my recollection of it I asked whether or not he hadn't given Christie a horse to testify for him. Christie told

4-Pleasant Gumiford et al.

me after he testified before the Commission that he didn't know anything at all about this man, never had seen him and knew nothing of his Cherokee blood, and that he testified for him before the Commission just because he had paid him a horse for testifying for him and he knew nothing about the facts to which he testified. By Mr. Hastings; The Cherokee Nation asks that the case be continued until December first to see, if they can ascertain where the applicant is at present residing.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rotheuber att.

Subscribed and sworn to before me this 13th day of December, 1908.

B. C. Jones
Notary Public.

Cherokee 1-771.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Pleasant Cumiford et al., for enrollment as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 9, 1900, Pleasant Cumiford appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself and his minor children, Robert S., Henry S., Julia A., Benjamin F., Beulah C., Watt and Margarette Cumiford, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 15, 1900, and at Muskogee, Indian Territory, on October 31, and November 11, 1902. The application also included the enrollment of Letha Cumiford as a citizen by intermarriage, but her status as such is not passed upon at this time nor is she embraced in this decision. The record further shows that on August 11, 1902, this Commission rendered its decision, wherein Pleasant Cumiford and his minor children were enrolled as citizens by blood of the Cherokee Nation. Thereafter on August 26, 1902, the Cherokee Nation, through its legal representatives, filed with this Commission a motion for rehearing, and on September 17, the Commission allowed said motion to reopen and this cause was set down for further hearing at Muskogee, Indian Territory, on October 31, 1902.

The evidence shows that Pleasant Cumiford and four children Robert S., Henry S., Julia A. and Benjamin F. Cumiford, were admitted to citizenship in the Cherokee Nation, on February 26, 1887, by a duly and legally appointed commission on citizenship of said nation. The other applicants, Beulah C., Watt and Margarette Cumiford, were born subsequent to their said father's admission to citizenship as hereinbefore shown, and are his children by his wife Letha, and being the respective descendants of said Pleasant Cumiford, under the rule announced by the Department in the case of Martha J. Hill et al., (I.T.D. 3886-1903), said descendants being residents of the Cherokee Nation, are considered to have acquired the status of their said ancestor. All the applicants herein are identified on the Cherokee

census roll of 1896, except Margarette Cumiford, who is duly identified by a birth affidavit made a part of the record herein. It is further shown that Pleasant Cumiford has lived in the Cherokee Nation continuously since his admission to citizenship therein, and his residence is considered to govern that of the minor applicants herein.

The Cherokee Nation alleges that the judgment admitting Pleasant Cumiford was procured "by means of bribery and perjured testimony." The right of the Cherokee Nation, acting through its duly constituted tribunals to confer citizenship upon whomsoever it saw fit, has always been recognized; provided, said tribunals were acting within their jurisdiction and their judgments were not procured by fraud. This Commission holds to the view that the judgments of a duly constituted Cherokee Commission on Citizenship, (if valid, should be given full faith and credit upon the question therein adjudicated, if the same were within its jurisdiction.

As will be seen from the motion for rehearing, the Cherokee Nation does not attack the jurisdiction of the Commission on Citizenship, but relies solely upon the alleged fact that the admission of Cumiford was procured "by means of bribery and perjured testimony." The only question, it appears, to be determined herein is whether the judgment admitting said Cumiford was so procured. It is a well settled rule of law that fraud will not be presumed but must be clearly proven by the party alleging it. It is especially necessary that the proof be clear when the solemn written judgment of a court of competent jurisdiction is sought to be impeached by fraud.

In their allegation charging bribery the Cherokee Nation relies upon the fact that one Watt Christie, a Cherokee Indian, the only witness before the Cherokee Commission on Citizenship in behalf of Pleasant Cumiford, was given a horse by said Cumiford. The transaction, standing alone as it does with not the slightest scintilla of proof to show that it was in consideration of the said Watt Christie perjurying himself, the Commission must incline to the belief that it was purely a business transaction, and that upon the showing made, fraud does not exist. In their charge of bribery the Cherokee Nation makes the charge but adduces no proof in substantiation thereof; neither do they attack the jurisdiction or the integrity of the Commission admitting Cumiford. They do not show that a bribe was either offered to or accepted by the Commission on Citizenship to influence their action in the premises, nor is it shown that any bribe was offered to or accepted by Watt Christie which prompted the testimony given by him before the Commission, and it is not shown that said Christie was suborned by said Cumiford.

In the absence of any proof tending to show subornation or perjury or the practice of fraud upon the Cherokee Commission on Citizenship in the procurement of the judgment rendered in favor of the principal applicant, Cumiford, and granting to said Cumiford the rights of Cherokee citizenship, this Commission is constrained to accept said judgment as being a valid and legal determination of that tribunal. The effect of the judgment is not at all dependent upon the correctness of the verdict or finding upon which it was rendered. It not being set aside by subsequent proceedings, by appeal or otherwise, it is equally effective as an estoppel upon the points decided,

whether the decision was right or wrong.

"There is no doubt that a judgment or decree necessarily affirming the existence of any fact is conclusive upon the parties or their privies, whenever the existence of that fact is again in issue between them. Not only when the subject matter is the same but when the point comes incidentally in question in relation to a different matter. In the same or any other court except on appeal, writ of error, or other proceedings provided for its revision."

It is, therefore, the opinion of this Commission that Pleasant Cumiford, Robert S. Cumiford, Henry S. Cumiford, Julia A. Cumiford, Benjamin F. Cumiford, Beulah G. Cumiford, Watt Cumiford and Margarette Cumiford should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

Commission to the Five Civilized Tribes.

(SIGNED)

Fano Bixby.

Chairman.

(SIGNED)

I. B. Noodles.

Commissioner

(SIGNED)

C. B. Brookinridge.

Commissioner

(SIGNED)

W. E. Stanley.

Commissioner

Dated at Muskogee, Indian Territory,

this JAN 22 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Pleasant Comiford et al., for enrollment as citizens by blood of the Cherokee Nation.

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and most respectfully protests against the decision of the Commission rendered in the above case on January 22nd, 1904, and requests that the same be forwarded to the Secretary of the Interior for review together with all of the papers in said case.

There are some remarkable statements made in the decision rendered by the Commission with which we cannot agree and to which the most earnest attention of the Honorable Secretary of the Interior is invited.

The testimony in this case shows that the principal applicant in this case Pleasant Comiford and his four children were admitted to citizen-ship in the Cherokee Nation on Feb. 26th 1887 by the Cherokee Commission on Citizen-ship, this is not disputed by the Cherokee Nation and has never been, but the testimony of Pleasant Comiford in this case is that he was admitted solely upon the testimony of an old Full-blood Cherokee by the name of Watt Christie; Comiford further states in his testimony that his mother's name was Rachel Fisher through whom he derived his Cherokee blood and when asked "Through whom did Rachel Fisher get her Cherokee blood, her father or mother?" she answered, "I couldn't tell you" he further on in his testimony admits that

he knew nothing of his grand-parents on his mother's side and further states that he proved his case by only one witness, Watt Christie, and who says that this one witness is sufficient, in reply to the question " You dont know then any thing about your people any further back than your mother? he answered, No sir thats all." In reply to the next question " And Watt Christie is the only witness who testified to the material facts in your case?, he answered, Thats the fact sir, he was the man." It would be seen from this testimony that Comiford knew nothing of his Cherokee ancestors, nothing from whence came his Cherokee blood but that when he appeared before the Cherokee Commission in 1887 he relied solely and exclusively upon the testimony of Watt Christie, and Watt Christie alone furnished the testimony upon which the Cherokee Commission admitted Comiford and his family; the question then propounds itself; was the statements made by Watt Christie a true statement, or did he commit perjury at the instance of Comiford, and if so will the Great Government of the United States say that it is powerless to prevent Comiford from reaping the rewards of his own bribes and corruption.

On December 15th 1900 Watt Christie was called before the Commission to testify what he knew about Comiford's Cherokee blood and his previous admission to citizenship by the Cherokee Commission in 1887, before which he was a witness, when asked "Did you know Comiford's mother? he replied, No sir." when asked "Did you know Comiford's father?" he replied, "No sir." when asked "Just took Comiford's word for it that he was a Cherokee?" he replied "Yes sir." When further asked "Dont you know any of his people?" he replied, "No sir." he was next asked " Didn't he give you a horse to testify for him?" he replied, " Yes sir." and he further stated that he didnt know any thing about Comiford except that, he, Comiford, told him, and that he promised to

1

give him a horse to testify for him and he did give him a horse.

On November 11th 1902 the Cherokee Nation introduced Wm. T. Hutchins, James S. Davenport, J. C. Sterr and W. W. Hastings, who all testified that they were personally acquainted with the reputation of the said Watt Christie for truth and veracity and that said reputation was notoriously bad; that he was known to have been a standing witness for a consideration before various citizen-ship tribunals in the Cherokee Nation.

In the light of this testimony the Cherokee Nation does not see how the Commission arrived at the conclusion in commenting upon the charge of bribery that "The transaction standing alone as it does with not the slightest scintilla of proof to show that it was in consideration of the said Watt Christie perjuring himself, the Commission must incline to the belief that it was purely a business transaction, and that upon the showing made, fraud does not exist."

The Commission further adds in this remarkable decision; "In their charge of bribery the Cherokee Nation makes the charge but adduces no proof in substantiation thereof." with this testimony before us the above is a most remarkable finding; Watt Christie himself comes before the Commission and testifies that he did not know Comiford that he knew nothing whatever of his perantage, knew nothing of his Cherokee blood, but that Comiford gave him a horse, but in answer to this question "And he told you that he would give you a horse to testify for him?" he answered "Yes sir" and the next question was "He gave you that horse didn't he" his reply being "Yes sir".

In the light of this testimony it is certainly difficult for us to see how the Commission arrived at the

conclusion that "In their judgment, the charge of bribery the Cherokee Nation makes is without proof in substantiation thereof."

In this same decision, the Commission further makes this remarkable statement; "Neither is it shown that any bribe was offered to or accepted by Watt Christie which prompted the testimony given by him before the Commission."

We submit as above stated that the testimony is clearly and conclusive that the testimony of Watt Christie was all that was submitted to the Cherokee Commission before which Comiford was admitted and Watt Christie admits that he never knew him, did not know his Cherokee ~~husband~~ ^{with} ancestors and confesses that he was bribed, ~~that~~ a horse to testify for Comiford; the Cherokee Nation with this testimony before it, throws up its hands and declares, may the Heavens fall, if the proof is not overwhelmingly convincing and conclusive, that Comiford bribed Christie, that Christie committed perjury for Comiford and that Comiford was admitted upon the perjured testimony of Christie, that Christie is guilty of perjury and Comiford guilty of subornation of perjury.

The testimony before the Commission is to the effect that Christie's reputation was bad. Comiford undoubtedly knew this and immediately sought his assistance. He or his lawyer ~~one~~ knew how to procure the testimony, Comiford knew nothing of his own case. He relied wholly upon Watt Christie. Watt Christie never ~~xxx~~ saw the man before; Never saw either his parents or grand-parents, then how could he possibly have testified the truth when he appeared before the Commission in Comiford's behalf.

In 1898 it was represented before the committee on Indian Affairs that great fraud had been practiced by claimants to citizenship in all of the five civilized tribes, and a clause was inserted in section ~~one~~ requiring

the Commission to "Omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto" this very clause was inserted in the Curtis Bill in order that jurisdiction might be conferred upon the Commission to correct frauds which had heretofore been practiced upon the Cherokee Nation through Cherokee Tribunals. Of all the cases which have been called to our attention this is perhaps the most flagrant.

The records will show that when Comiford took the stand to make the first application in his own behalf on November 9th, 1900, he was then charged with having given Watt Christie a horse to testify in his behalf. Since that time conscious of his own guilt, conscious that he had committed bribery, conscious that he was guilty of subornation of perjury, this same Comiford fled from the Cherokee Nation and could not be found as shown by the testimony of J. C. Starr taken before the Commission Nov. 11th, 1902. We do not believe that any person should be permitted to reap the rewards which is the result of bribery and subornation of perjury; we do not believe that the Commission is bound by any technical rules of procedure or practice, but we do believe that the Commission is clothed with the highest equity jurisdiction, sent to the Indian Territory to wind up a great estate of Indian Wards and in administering thereof to see that no wrong or injury or any fraud is practiced. If this Comiford family is permitted to reap the rewards of their own criminal corruption, allowed to be enrolled and to participate in the division of this Cherokee estate when it is clearly shown that he is enrolled by bribery and perjury, the Government of the United States will rightfully be condemned by every one who has the right of participating in the division of this estate as long as there is left one to

patriotically liars: "I am a Cherokee". We cannot account for the "errors" of the Commission on the whole of page two of their judgment. Nothing therein contended is borne out by the testimony. It must be remembered that bribery and perjury is not susceptible to easy proof. People do not usually go over the country and herald the fact that they are bribe givers or perjurers, but in this case the witness comes before the Commission and confesses his own guilt and at the same time Colford conscious of it flees the country.

On December 8th, 1886 the National Council passed an act providing for this same Cherokee Commission, and this Comiford case was one of the very first cases tried, a favorable judgment being returned on Feb. 26th, 1887 or immediately after the court was reorganized, this is the only case where this Cherokee Commission, so far as we can find, ever admitted an applicant on the unsupported testimony of Watt Christie, the outland story which attached to his reputation for veracity in citizen-ship cases soon came to the judicial nostrils of this Commission and subsequent to that time poor old Watt Christie ceased to be the Cherokee Nation any more, although he was much sought after by applicants to Cherokee citizen-ship.

If the Government of the United States is powerless because of any technicality to correct this fraud and injustice when the proof is so plain and convincing, then we say that it would be fruitless for the Cherokee Nation to request that any applicant be rejected on the ground of fraud being practiced.

WHEREFORE the Cherokee Nation most earnestly craves the careful attention of the department to this case and insists that the judgment of the Commission rendered

January, 22nd 1904 in this case should be referred for the reasons hereinbefore stated.

Respectfully submitted.

W. W. Hastings
Attorney for the Cherokee
Nation.

Name, *Papier & Company*

APPLICANT FOR CHEROKEE CITIZENSHIP.

Address *Deale, Ind. Co. Mo*

Age *31* Years,

1833

Roll of 1855

Anccestor, *Mary Dutton Smith*

Filed the *24* day of *February* 188*7*

Docket *61* Book *A* Page *62*

Testimony on Journal---Page *300, 301, 302*

Decision of Commission, *Admitted*

28th day of *January* 188*8*

Certificate, issued

✓

APPLICATION FOR CITIZENSHIP.

To The Honorable

The COMMISSION ON CITIZENSHIP:

GENTLEMEN—The undersigned, your petitioner, this day makes this *his* application for re-admission to Citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 8th, 1886, creating your Commission. And, respectfully makes the following statement of the grounds of this *his* application, to-wit: That *Pleasant Cornsiford* is the *son* of one *Mary Sutton or Fisher* who the undersigned firmly believes was duly enrolled upon the *Geners* Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835. The undersigned hereby presents the above facts as the lawful grounds for this *his* application for Cherokee Citizenship by blood, and respectfully awaits the time when *his* application shall be truly heard and tried in accordance with the aforesaid law.

Age *31* years; Postoffice, *Lou Ma West city, Mo.*; family with their relationship attached is as follows:

NO.	NAMES.	SEX.	AGE.	RELATIONSHIP.
1	<i>Pleasant Cornsiford</i>	<i>Male</i>	<i>31</i>	<i>Mary Sutton or Fisher</i>
2	<i>Rose May Cornsiford</i>	<i>Female</i>	<i>9</i>	" " "
3	<i>R. S. Cornsiford</i>	"	<i>7</i>	" " "
4	<i>H. S. Cornsiford</i>	"	<i>5</i>	" " "
5	<i>Benj. F. Cornsiford</i>	<i>Male</i>	<i>2 yrs</i>	
6	<i>Julia Ann Cornsiford</i>	<i>Female</i>	<i>2 yrs</i>	

In witness of which application I hereunto set my hand on this the *26* day of *February* 188*7*

G. H. Taylor.

Pleasant Cornsiford,
Attorney.

1) *Chrysomelidae*

(75) Applicant for
Comm. to Motion Comm. College of

under the name of the "Globe" which was made
the first time statement, some 20 years ago
and the subsequent, & it is, I
am associated with the opposite of the
United and known as "Globe". The
oldest is "Globe" which is 10 or 11 years old,
the next is "Globe" which is about 10 years
old, 20 to 30 years, it is about 10 years
old. That means in the names of two of them.
United and "Globe" which is the "Globe"
which is the "Globe" which is the "Globe"
except these two, "Globe" and "Globe".

• X, Commencement •

I have known him about two years. The
 mother of these children, do I know whether
 she was a white woman or, ~~not~~ a Cherokee,
 do not whether the mother of these children
 had children before her marriage with the
 applicant or not. The children look like
 the applicant. The applicant looks like
 the mother of the children, which not know
 the mother of applicant.

Answer 21 65 117

G. G. Lipp,
Albany, N. Y.

b)
Census of Cambridge
(1850) Appointed by
the Hon. Sec. of the Interior Charles H. Smith

My wife and I are both of the same
State as follows: My wife is of the same
District (Ct) My wife is of the same
County My wife is of the same
Name of children
named as follows: My wife is of the same
10 years old, next is Robt. Thomas, 7 years of
age, Henry, 6 years of age, next is
Julia Ann, 3 years old, next is Benjamin
Franklin, 3 months old. My wife had two
children previous to our marriage, the first
children that I have mentioned have been
born to us since our marriage.

My Examination -

My wife's name, before married, was
Catharine Ross, a white woman, I married in
St. Louis Co. Mo. I have been married 11 years
and now, I was born in the Cherokee Nation, I
don't know what Dist. I was about 7 years
old when with the Nation. After the war my
mother had no other children that I know of.
When I left her, I have one brother and one
sister living. My brother's name is Robert,
my sister's name is Willie Jane. Robt will
soon be 21. Willie Jane will soon be 15.
2 years old, they are living with me.

Father of them was married, & he was
 sent to the west side to me & he was
 known to me as my mother's children,
 his mother was born about 12 years,
 the father was born about 10 years,
 the brothers first name was Richard
 his father's full name was Thomas
 Crawford He was known as a white man
 I was married before my mother died
 January 21st 1850.

C. C. Gipe
 Anti-Slavery

Heavenly Comfort;
(805)

Cherokee Nation

} Applicant for
} Cherokee Citizenship

Walt Cherokee, who being duly sworn
makes the following statement. I live in
Goiny, Snake, Dist. O. T. I am about 70
Years of age. The grand father of
Rachiel Fish, or Fish was named
Hatchet. His Cherokee name was ~~etc.~~ ~~but~~
~~was~~ Deel, Deel, Deel, etc. Fish was sometimes
called Fish. Hatchet lived ~~not~~ at Tumip
Town, up toas Elizay. Ga. Hatchet was
mixed blood mostly Cherokee. His wife
was a Cherokee, and a half blood. Her name
was Nellie. - She was the Aunt of my
father. Hatchet came to this country with
the emigration, in the detachment of
Elijah Hicks. Fish or Fish was the
son of Hatchet, above named. Hatchet
and Fish both died in Goiny, Snake, Dist
O. T. Before the emigration. Hatchet
and his son Fish or Fish all lived together
as one family.

January 26th 1888

C. C. Life

Olust, Comm.

Pleasant Commission
 (U.S.) } Applicant for
 Cherokee Nation } Cherokee Citizenship

Nelson Sanders, being duly sworn makes
 the following statement, (Interpreter for
 the Court,) in the statement of Matt. Christie,
 witness for the Nation, in the above case,
 gives the Cherokee name of the ancestor as
 being, "Dee-kul-loos-ki" the english of
 which, name is Chopper, when the Census
 was taken 1835. The interpreter should, if
 the above Cherokee name was given to him
 for interpretation into the english language
 should have rendered it Chopper, as there
 is no other english interpretation of the
 Cherokee name, Dee-kul-loos-ki.

January 28th 1888,

Wilson Sanders
 Interpreter for
 Commission

Attest

C. C. Lipo

Clk. Com.

Office Commission on Citizenship.

Subsequent, Ind. Ter. January 28 1888
Pleasant Cumiford, et al.
(vs)
Cherokee Nation }

Wt the Commission on
Citizenship after carefully and impartially
investigating the above case, and also
examining the rolls of 1835. find that
Pleasant Cumiford and his five children,
Rosa May. R. S. - H. S. - Benjamin F. and
Julia Ann Cumiford are Cherokees by
blood, and are hereby re-admitted to
all the rights and privileges of Cherokee
citizens by blood.

J. P. Adair, Chairman of the Commission
John E. Gunter Commissioners
D. W. Lipe "

COMMISSIONERS
HENRY L. DAWES
TAMM BIRDS
THOMAS H. NELSON
C. R. BRIDGEMAN

ALLISON L. AYLESWORTH
CHIEF CLERK

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 771,
R 364.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the applications of Pleasant Cumiford, Robert S. Cumiford, Henry S. Cumiford, Julia A. Cumiford, Benjamin F. Cumiford, Beulah C. Cumiford, Watt Cumiford and Margarette Cumiford as citizens by blood of the Cherokee Nation, and Letha C. Cumiford as a citizen by intermarriage of the Cherokee Nation.

This decision consolidates the applications of Pleasant Cumiford, et al., Cherokee D 771, and Letha C. Cumiford, Cherokee R 364.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Enc. C. No. 59.

Acting Chairman.

RECEIVED
HENRY L. DOWNS
TAMM BIRBY
THOMAS B. NEIDERS
C. R. C. CHIEF DEPT.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES : Cherokee D 771.

Muskogee, Indian Territory, October 16, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

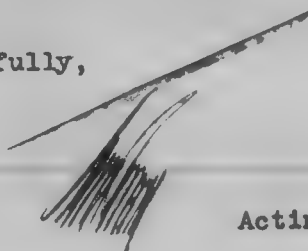
Muskogee, Indian Territory.

Dear Sir:

In the matter of your motion for a re-hearing in the case of Pleasant Cumiford et al, applicants before the Commission for enrollment as citizens of the Cherokee Nation, you will find herewith, a copy of the order of the Commission, dated October 15, 1902, directing that the cause be set down for further hearing at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on the 31st day of October, 1902.

The applicant in chief, has this day been furnished with a copy of said order.

Respectfully,



Acting Chairman.

Enclosure H. No. 3.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

1129

REFER IN REPLY TO THE FOLLOWING

Cherokee D 771

Muskogee, Indian Territory, January 22, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 22, 1904, granting the application of Pleasant Cumiford for the enrollment of himself and Robert S., Henry S., Julia A., Benjamin F., Beulah C., Watt and Margarette Cumiford as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case. You are requested, however, to file your protest at as early a date as possible as the Department has requested that this case be transmitted to the Department as soon as practicable. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Encl. V-50.

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. I. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-771.

Muskogee, Indian Territory, April 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 22, 1904, granting the application of Pleasant Cumiford for the enrollment of himself and his seven minor children, Robert S., Henry S., Julia A., Benjamin F., Beulah C., Watt and Margarètte Cumiford, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 26, 1904.

Respectfully,



Commissioner in Charge.

[illegible]

~~(C. de Solle transferred
to the R. of 107, 108, 109,
110, 111)~~

Cher D 772

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D. ...
COMMISSION TO ...
TO ...

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. November 9th, 1900.

IN THE MATTER OF THE APPLICATION OF FRANK M. RUCKER FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND THREE CHILDREN AS CHEROKEE CITIZENS.

The said Frank M. Rucker, being sworn and examined by Commissioner T. F. Needles, testified as follows:

- Q What is your name? A Frank M. Rucker.
Q What is your age? A Thirty-four years old.
Q What is your post office address? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir;
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A My wife and three children and myself.
Q What is the name of your wife? A May Dora.
Q What was her name before you married her? A Taylor.
Q Have you any certificate of marriage? A Yes, sir.
Q What is the name of your children? A The eldest one's name is Earnest L.
Q How old is he? A He is twelve years old.
Q The next child? A Mabel May.
Q How old is he? A Ten.
Q The next child? A Frank M. Jr.
Q How old is he? A ~~Eighteen years old~~. Five years old.
Q Is that all? A Yes, sir.
Q What is the name of your wife's father? A Jim Taylor.
Q Is he living? A Yes, sir. He came here from North Carolina in 1881 or 1882, and she was a minor at that time.
Q How old is your wife? A Thirty-four years old.
THE COMMISSIONER: The applicant presents a certificate signed by D. W. Alberty, ~~Assistant~~ assistant executive secretary of the Cherokee Nation, dated October 28th, 1900, certifying that Frank M. Rucker, a citizen of the United States, and Mary D. Taylor, a citizen of the Cherokee Nation, were married on the 14th of September, 1884. He presents no marriage license nor certified copy of marriage license.
Q When did your wife come to the Cherokee Nation? A I think she came here in the spring of 1882.
1894 roll, page 279, No. 3475, Dora Rucker, Cooweescoowee District.
1896 Roll, page 239, No. 3943, May B. Rucker, Cooweescoowee District.
1896 Roll, page 321, No. 836, Frank M. Rucker, Cooweescoowee District.
1896 Roll, page 239, No. 3944, Earnest Rucker, Cooweescoowee District.
1896 Roll, page 239, No. 3945, Mabel M. Rucker, Cooweescoowee District.
1896 Roll, page 239, No. 3946, Frank M. Rucker, Cooweescoowee District.
Q Are these children all alive and living with you at this time? A Yes, sir.
Q Have you any proof to offer as to the citizenship of your wife, as to whether she is a Cherokee citizen or not? A No, sir.
THE COMMISSIONER: The name of Frank M. Rucker appears upon the census roll of 1896. He avers that he was married to May D. Taylor, a Cherokee by blood, in the year 1884, and presents certificate to that effect, but presents no marriage license or proof that one was ever

issued.

The name of his wife, May D. Taylor, appears upon the census roll of 1896, as well as the names of his children, Earnest L., Mabel V. and Frank W. Jr. The name of his wife, whom he avers to be a Cherokee citizen by blood, does not appear upon the authenticated roll of 1880. No proof is presented to this Commission at this time as to her citizenship. Satisfactory proof is made as to their residence. By reason of the want of proof as to the citizenship of his said wife, and as to the legality of the marriage of himself to her, final judgment as to the enrollment of the said Frank V. Rucker, and his wife and children, will be suspended, and their names placed upon a doubtful card awaiting proof of citizenship as to his wife, and proof of legal marriage.

The applicant avers that one James Taylor is the father of his wife and that the name of James Taylor appears in the list of North Carolina Cherokees who removed to the Cherokee Nation on the 22nd of October, 1831 by an act of the National Council approved December 3rd, 1838.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of November 1900.


Commissioner.

DEPARTMENT OF JUSTICE
COMMISSIONER OF THE GENERAL INVESTIGATION
FILED
NOV 12 1900

[Handwritten signature]
Assistant Attorney General

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S U P P L E M E N T A L T E S T I M O N Y .

D # 772.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 10th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of Frank M. Rucker for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Rucker being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Frank M. Rucker.
Q What is your age? A 34.
Q What is your post office address? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q For whom do you apply for enrollment? A My wife and three children. I applied here yesterday and lacked a little evidence.
Q What was the matter with you yesterday? A Did not know when my wife come here and did not know what she come here on.
Q You have to prove citizenship and your marriage both?
J. L. TAYLOR, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A J. L. Taylor.
Q What is your age? A 38.
Q What is your post office? A Pryor Creek.
Q Do you know Mary D. Rucker? A Yes, sir, she is my sister.
Q What do you know as to her citizenship? A We were all admitted under an act of the Cherokee Council and my sister never come here until January, 1883; being a minor back there, and I sent for her after I come here. I was on that 1880 roll and put her ~~in~~ school here at Tahlequah, and being under the impression that we were all admitted at the same time, never thought of having her enrolled.
Q Is your name on the roll of 1880? A Yes, sir. I enrolled at Pryor Creek.
Q Mary D. Rucker is your sister? A Yes, sir.
Q She came here about the same time you did? A No sir, I come in July, 1881, and she came in 1883.
Q Was her father living at that time? A Yes, sir.
Q Her name is not on the list of North Carolina Cherokees? A No, ~~not~~ sir, she being a minor then.
Q She was your own sister? A Yes, sir. I was in Washington in '93 and got her subsistence for all of us.
Q Did she have any other brothers and sisters who came at that time? A Brother William Taylor come at that time.
Q He was an own brother of Mary also? A Yes, sir.
Q What was her age when she come here? A She must have been about 13, I do not remember exactly.
Q Do you know anything about her being married to Mr. Rucker? A Yes, sir.
Q What do you know about that? A I know that he got his petition ~~after~~ for to be married under Cherokee law and under that he was married.
Q Did you see his license? A I saw his petition.
Q You did not see his license? A No, sir.
Q Do you know whether he has been living with her ever since as her husband? A Yes, sir.
Q Living with her now? A Yes, sir.

---ooo000ooo---

Frank M. Rucker--2,

J. O. Ressen, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ressen

Subscribed and sworn to before me this 10th day of November, 1900.

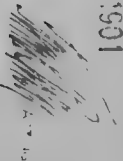
W. H. R. R.

Commissioner.

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WUSKOGEE R., I.T., JANUARY 17th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION FOR ENROLL-
MENT OF JAMES TAYLOR AND ~~XXXXXXXXXXXXXXXXXXXX~~ FRANK M. RUCKER,
D^{OS} #941 & D^{OS} #772 respectively:

James Taylor, being sworn and examined by Commissioner, C. R.
Bruckinridge, testified as follows:

- Q Give me your full name? A James Taylor.
Q How old are you? A Seventy nine.
Q What is your Postoffice? A Claremore.
Q In what district do you live? A Coowee scowee.
Q Do you know Frank M. Rucker? A Yes sir.
Q Is his wife your daughter? A She is.
Q What is her name? A Her name is Dora.
Q Any other name besides Dora? A She was named after her grand
mother, Susan Medora.
Q Was she ever called May D.? A I do not know.
Q Her full proper name is Susan Medora? A Yes sir.
Q Here's a marriage license issued by the clerk of Tahlequah Dis-
trict, September 13th, 1884, authorizing marriage between Frank M.
Rucker, a citizen of the United States, and May D. Taylor, a Cherokee,
and the certificate shows that they were united in marriage on the
4th of September, 1884, by the Reverend L. M. Cravens? A Yes sir,
he is dead now.
Q Does this relate to the marriage between Mr. Rucker and your
daughter? A Yes sir.
Q This May D. Taylor is your daughter? A Yes sir.
Q Was Frank Rucker ever married before he married your daughter?
A I never heard of it.
Q Was your daughter ever married before she married him? A No sir.
Q Have they lived together ever since they were married in 1884?
A Yes sir, they are living together now.
Q Did you come from North Carolina? A Yes sir, but I am not on
the North Carolina Rolls.
Q Why not? A I was born and raised in Tennessee.
Q Have you a certificate of your admission to citizenship? A
A No sir, I did not think I needed any; I came here in '80 and
put our names on all.
Q Was your name enrolled at Tahlequah? A Yes sir.
Q Have you any evidence of that fact? A Nothing more than the
rolls.
Q Where is the official copy of the roll? A I have nothing of
the kind.
Q You have no proof that your name is on that roll? A I can show
that they was on that.
Q Was your mother a Cherokee? A She was.
Q What was your father? A David Taylor.
Q What was he; Cherokee or white man? A White man.
Q What was the name of your wife when you came here?
A I did not have any wife.
Q Your wife was dead? A Yes sir.
Q And you just brought your children? A Yes sir; I have lived with
them ever since.
Q Was your wife a white woman or a Cherokee? A White woman.
Q Were you ever married more than once? A No sir.
Q Only married once? A Only once; yes sir.
Q When were you married? A I was married in -- I think it was
1854.
Q Who was it you married? A Adeline Manchester.
Q Did you pay your way, or did the Cherokee Nation pay it?
A I paid my own way; He and John.
Q You came from Tennessee? A No sir, I came from North Carolina,
but I was born and raised in Tennessee, but am not on the North
Carolina rolls.
Q You were classed as a North Carolina Cherokee, were you?

A Yes sir., but I am not on the North Carolina rolls.
Q You are on it in spite of all you say! How do you know you are not on the North Carolina Roll? A I have got a roll; I know we were not put on it, under the act of '48, because we had been born and raised in Tennessee.
Q You mean a roll that was kept in North Carolina, do you not?
A Yes sir.
Q Well, now; put on your glasses and follow me: Who is that James Taylor there, fifty eight years old? A What year was that?
Q 1881? A That is myself I guess.
Q This is the man that paid his own way? A Yes sir, I paid it.
Q You think that is you? A Yes sir., and I paid for my two daughters coming.
Q Why are not their names down here on this roll? A They were at school at the time I came in '80.
Q Where were they at school when you came here? A One was at Henderson; the other at Ashville (Nashville?).
Q Back in the old country? A Yes sir.
Q How long was it before you brought them out here?
A Dora was first; she came with my son John, and when the others time was out, she came with Mrs. Dage.
Q They came later? A yes sir.
Q That is the reason their names were not put down at the time yours was? A Yes sir.
Q When did you wife die? A She's been dead about eighteen years or nineteen.
Q Where did she die? A She died in North Carolina.
Q You never brought her out here? A No sir.
Q Have you lived here ever since you came in 1881? A Only when I was away on business.
Q Well, how much time were you away on business? A I have been away sometimes over a year; I have stayed four years at a time and two years at a time; I have had some litigations going on that I had to attend to.
Q Did you always consider yourself a citizen of the Cherokee Nation? after you came here in 1881? A Yes sir.
Q Did you ever vote back there in North Carolina or Tennessee?
A Not since I came here; When I came here, I was made magistrate. I have never voted or registred since.
Q Never voted or registered where? A In North Carolina.
Q Have you a certificate of your marriage to your wife? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Did you live with your wife until her death? A No sir.
Q You separated from her? A Yes sir.
Q How long before her death? A Well, it was some three or four years.
Q Then you separated from her in 1878? A '73.
Q You separated from her in 1873 then? A Yes sir; some time in seventy.
Q Can you not be more accurate about it: About what year in 1870?
A I can not tell you.
Q You say some three or four years before her death, and she died in '1881 or 1882? A I came here in 1880.
Q Was she dead when you came here? A Yes sir.
Q And then you went back? A I went back as soon as we got the act passed through the legislature inviting the North Carolina people to come here.
Q That was in December, 1880, was it? A Yes sir, on the end of December, 1880.
Q Well, when did you return here the next time under that Act?
A I went back and got two earloads of people; We had to make arrangement with some road to bring them here at twenty dollars a head, in '81: June 6th, '81, they left London, Tennessee and came here.
Q Well, when did you arrive here yourself? A I came here directly afterwards; I was here when the Act was passed.
Q I mean when you came back the last time: That is what I am getting

at. Did you come here in '81? A Yes sir. I came here when they paid bread money; I received nine same as the others.

Q How long did you remain when you came in 1881? A Until '84.

Q And then you went where? A To Washington on business.

Q How long did you remain up there? A Until somewhere along in 1890.

Q About what time in 1890? A In the Fall of 1890; cold weather coming.

Q Have you been here in the Cherokee Nation ever since the Fall of 1890? A I stayed here until 1897.

Q Continuously? A Yes sir.

Q All the time from the fall of 1890 to 1897? A Yes sir. I believe I did go up to Washington, but I was not gone long.

Q Where did you live from 1890 now until 1897 in the Cherokee Nation? A I lived first with my ~~brother~~ son, John, and Addie Mathews; occasionally with Laura and I stayed a good while with my ~~brother~~ brother at Coffeyville.

Q Did these children live with you or their mother after the separation? A A Lived with me.

Q Always lived with you? A Yes sir.

Q When did Mrs. Rucker come to the Cherokee Nation? A John brought her just as soon as her term of school was out.

Q When was that? A I can not tell you exactly.

Com'r. C. R. Breckinridge:

Q How old was she then? A She was thirteen.

Q Did she come here when she was thirteen years old? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q How long after you returned here in 1881 was it that Mrs. Rucker came here? A I do not know.

Q Was it two or three years? A Two or three years; yes sir.

Com'r. C. R. Breckinridge:

Q She was over thirteen years of age then when she came? A She was a little over, because they put her out of college when she was thirteen.

Q Has she been here ever since that time? A Yes sir, ever since; never been out of the Territory.

By Mr. W. W. Hastings, Cherokee Representative:

Q John Taylor then came with his sister, Dora some two or three years after you came? A No, me and John came first and got the arrangement made.

Q He did not return after this law was passed until he came with your daughter, Mrs. Rucker? A No sir; He had been here before.

Q Well now when? A He had cut hay, quite a lot of hay in August, and they got this act passed inviting the Indians -- the Indians they came in June, before June '81. We cut and sold out hay and then went back again.

Q Sold your hay where? A Up there close to Tahlequah.

Q Whom did you sell it to? A Cochran; a good part of it.

Q What Cochran? A I do not know.

Q What direction from Tahlequah did you cut hay? A West like; south west.

Q What time of the year did you cut it? A August.

Q Of what year? A '80.

Q That was before the law was passed? A Yes sir, and we came to get the law passed to get the invitation.

Com'r. C. R. Breckinridge:

Q This John you speak of; is he your son? A Yes sir, oldest son.

By Mr. W. W. Hastings, Cherokee Representative:

Q After he went back when you were out here the time you sold the

hay, the next time John came back was when he came with Mrs. Rucker?
A Yes sir. That's his second trip.

Com'r. C. H. Breakinridge:

Q What year was it Mrs. Rucker came out here? A I can not say exactly.

Q About 1883 or 1884, was it not? A It must have been.

Q You said it was three or four years after you came? A Yes sir, she was going to school when I came; she was a minor and going to school.

Q Well, how long after you came before your daughter, who is now Mrs. Rucker, came out? A About three years.

Q And you mean about three years after 1881? A Yes sir.

Q Then John came here about 1884; came back? A This was his second trip.

Q Came back the second time before 1884? A No sir, third time. We were here first cutting hay.

Q In 1880? A Yes sir.

Q When did John go back again? A We cut and sold our hay and went back again.

Q John came with you in 1880 first and helped get that law passed? A Yes sir.

Q And then he went back again? A Yes sir.

Q Then after he went back after this first trip here, when did he come the second time? A Well, he came -- he came here in 1881.

Q How long did he stay? A He did not stay very long.

Q Did he stay a month? A Yes sir, he stayed a year.

Q And then he went back? A He went to Washington.

Q Where else did he go? A He went to Washington to settle up his accounts.

Q And when did he come back here? A He came back with Dora.

Q In 1884? A Yes sir, '83 or '84.

Q Has he been here ever since? A Yes sir, never been away.

Q Now, you left here in 1884 to go to Washington? A Yes sir.

Q And came back in 1890? A Yes sir.

Q Were you in Washington all that time? A Most of the time.

Q Where were you when not there? A I had some law suits back in North Carolina.

Q You were away six years? A No sir, not all the time. I was here in 1890.

Q You were here in 1890, and you left in 1884; where were you during that six years? A I was in Washington most of the time.

Q Where-else? A In North Carolina in relation to my land matters.

Q So you were in Washington and North Carolina the whole time? A Yes sir.

Q What were you doing in Washington all that time that time?

A I had a power of attorney from these emigrants to come out here and collect the money due them from the Government.

Q And you were in Washington only for the purpose of looking after that business? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q You swore that you had lived in the Cherokee Nation from the fall of 1890 until 1897, all the time continuously? A No sir, I was out twice and back.

Q Where? A I went to North Carolina to see to my law suit.

Q When? A I went in 1891.

Q And when was the second time you went out; and where.

A I was back in '92.

Q Back in North Carolina in '92? A Back here.

Q You said you were out twice between 1890 and 1897; You have explained that you were out once; Where were you the second time?

A In '93.

Q Where did you go then? A I went up to Washington.

Q How long did you remain there then? A I remained about a year.

Q Then you came back here in 1894? A Yes sir, I came back in

1894 and I remained until 1897.

Q Then from 1894 to 1897 you were here all the time? A Yes sir.

Q Mr. C. R. Brackinridge:

Q And then where did you go? A To Washington.

Q In 1897? A Yes sir.

Q How long did you stay there?

A Not long: I got a round trip to the McKinley inauguration.

Q Just stayed there on a limited ticket? A Yes sir.

Q Can you not write back to North Carolina or Tennessee and get a copy of the marriage records showing ~~your~~ the marriage between yourself and your wife, Adeline Manchester? A I do not know. The records have all been burned. Burned in time of the War.

Q Is there any one here that knows Mrs. Rucker was recognized as your child, and known as your child? A I do not know, except my own family relation.

Q Are any of them here?

A I have a brother at Chelaco.

Q You never had her name put on the roll: Your name is on the roll; other people have their children's names on the roll, but you have not got your children's names on the roll?

A Who, Mrs. Rucker?

Q Yes sir? A Husband taken them as mine when I first came.

Q That is what I am trying to prove?

A If I need any other proof, I will furnish it.

Q I want you to bring some one here who knows that Mrs. Rucker was your child? A Yes sir.

Q Do we to show that she is entitled to the rights that you acquired back there in 1881? A Well,

Q Will you bring some one here to give evidence about that?

A Yes sir, my people; we all lived there together.

Q Will you bring one person here who will swear; that knows all about it? A I can bring several.

Q Who will you bring here now that knows; that knew your wife, and knew you and she were husband and wife, and that this woman is your daughter? Who can tell me that?

A My brother Tom.

Q Where is your brother Tom? A He lives up here on fourteen mile creek.

Q Can you bring him here?

A I do not think he is hardly able to come.

Q Well, who else can come? A Brother David; he lives up there at Chelaco.

Q Can you bring him? A I can, if necessary.

Q I want you to bring some one? A Well sir.

By Mr. W. H. Matting, Cherokee Representative:

Q Were you ever married before you married the mother of Mrs. Rucker? A No sir.

Q You had some children before you married her? A Yes sir.

Q Did you testify before the citizenship court that you were the father of Mrs. Dege? A I do not know.

Q Did you not testify about her? A I do not know.

Q Will you swear that you did not? A I do not think I was called in as a witness.

Q Are you her (Mrs. Dege's) father? A Said to be I raised her.

Q Do you recognize her as your child? A Yes sir.

Q Are you the father of a Mrs. Powell? A No sir; she was a child of Mrs. Dearnitt.

Q Mrs. Rucker's mother and Mrs. Dege's mother were not the same woman? A No sir.

Q Did you live with Mrs. Dege's mother as your wife?

A No sir.

Q Did you ever live with her at all? A No sir; this child was

born; it was laid to me; she said it was mine.

Q She was a white woman? A No sir, she was a part Indian.

Q Cherokee? A That flythe stock.

Gen'l. C. P. Breckinridge:

Q How many children have you besides these born of your wife, Adeline Manchester? A I have got eleven surviving children.

Q How many have you got that are not the children of Adeline Manchester? A There are five here by the Manchester woman.

Q And then there are six that are not by the Manchester woman?

A Yes sir.

Q Are these children all by one woman? A No sir.

Q Did you ever live as husband and wife with the mother of any of these six children who are not by your wife, Adeline Manchester?

A I did with one.

Q You lived with the husband with one woman besides your wife?

A Yes sir, but I married her.

Q That is what I asked you a while ago, and you said no?

A There is only three -- she died.

Q Only three what? A Three children.

Q These six children are by different mothers, to some extent at least? A Yes sir.

Q Were the mothers of these children all dead when you married your wife, Adeline Manchester? A Yes sir.

Q Their mothers were all dead? A Yes sir.

Q I want to establish now the lawful marriage with this woman, Adeline Manchester, and prove that these children are her lawful children: What was the occasion of your separation from Adeline Manchester? A Her conduct. She became dissipated.

Q Dissipated? A Yes sir.

Q What do you mean by dissipated? A Well, she went with the war pretty much, and she became so I would not live with her.

Q Do you mean that she became ~~unfaithful~~ unfaithful? A Yes sir.

Q Are you confident that these are your children by her?

A They were all born before she ever became any such way.

Q You bring some one here that can swear to your marriage to that woman, Adeline Manchester, and to these children being recognized as your children by that woman? A I do not know about the marriage part, whether I can get any one or not.

Q Is there any one who knows you were married to her?

A I was married by old man Britton; he is dead.

Q Is there no one living who knows she was your wife?

A Yes sir, my brother David.

By Mr. W. W. Hastings, Cherokee Representative:

Q Which is your youngest child by your wife, Adeline Manchester?

A Adeline Mathews.

Q When was she born? A She was born -- I think it was '71.

Q Is it not a fact that she was born some year or more after your separation from her mother, Adeline Manchester? A No sir, she was born before any separation.

Q When did Mrs. Mathews come to this country?

A She came with Mrs. Dags.

Q When was that? A I do not know exactly.

Q The last part of the '80's was it not?

A Along in '80; maybe '84; when her time was out at school she came with Mrs. Dags.

Gen'l. C. P. Breckinridge:

The name of James Taylor, aged fifty eight years, appears on the roll of North Carolina Cherokees who paid transportation, which roll is in the possession of the Cherokee Representatives present, and it is noted in said roll that his right is through his mother.

The applicant claims that that is his name, enrolled at that time. The date of that enrollment is October 22nd, 1881.

-7-

This testimony will be added as supplemental in the case of Frank M. Tucker et al, "vs", 4772

Marriage license and certificate, relating to the marriage of Frank M. Tucker and May D. Taylor, in 1884, showing that they were married in accordance with Cherokee law, is filed herewith.

Q Did you ever apply to the Dawes Commission for admission in 1896? A In '97, I did.

Q You did not apply for admission in 1897? You applied for enrollment? (No response.)

Q You were not a party in an application made in 1898 to the Dawes Commission? A No sir.

Q You are not the James Taylor that is named in the case of Sarah Ann Gorham et al? A No sir.

Q Do you know the James Taylor? A No sir.

Q Who is William Taylor? A My son is named William.

Q But he is not related to the Gorham family? A No sir.

Q Do you know Ora Taylor? A No sir.

Q Do you know Maude Taylor? A No sir.

Q You do not know that family at all? A No sir, I never heard of them.

Com'r. C. P. Brockinridge: It appears from the testimony that this applicant was not a party in proceedings before the Dawes Commission for admission to citizenship. A copy of the foregoing testimony will be filed with his application, "vs", 4942.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Lammie

Subscribed and sworn to before me this 18th day of January, 1901.

[Signature]

COMMISSIONER.

H. C. P.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 23 1901

[Signature]
ACTING CHAIRMAN.

"D" #941.

"D" #772.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 22nd, 1901.

IN THE MATTER OF THE APPLICATION OF James Taylor - "D" Card #941 -
and Frank M. Rucker - "D" Card #772.

David Taylor, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A David Taylor.

Q What is your age? A Seventy four.

Q What is your Postoffice address? A Chelsea.

Q Indian Territory? A Yes sir.

¶

James Taylor, being sworn and examined, testified:

Q What do you want to prove by this man? A That Medora was born while me and my wife were living together as man and wife.

David Taylor recalled:

Q Do you know James Taylor? A Yes sir.

Q Did you know his wife? A Yes sir.

Q What was her name? A Addie.

Q Do you know Frank M. Rucker? A Yes sir.

Q Do you know his wife, May D.? A Yes sir.

Q Do you know when this May D. was born? A Along about '66.

Q Well, were James Taylor and his wife living together at that time? A Yes sir.

Q Do you know whether they were married or not? A Yes sir, they were married.

Q How far did you live from them? A About a quarter.

Q About a quarter of a mile? A Yes sir.

Q And while they were living together, this child, May D. Rucker was born? A Yes sir.

By Mr. J. L. Baugh, Cherokee Representative:

Q How long did they live together after the birth of this child?

A I do not recollect.

Q About how long? A Some five or six years.

Q Do you know about how many children were born to them after the birth of this child? A About three I think.

Q What three? A Hiram and Addie.

Q Were he and his wife living together when this child, Addie was born? A They were in Washington.

Q Do you know of your own knowledge that they were living together as man and wife then? A I can not say: They were in Washington.

Q And that child was born while they were living there?

A Yes sir.

Q About how long has Mr. James Taylor lived in the Cherokee Nation?

A I can not tell you - backwards and forwards - he had law suits he had to attend to.

Q Has he ever made the Cherokee Nation his permanent home?

A I think he stays with his boys up here.

Q About how long at a time does he stay with his boys?

A About a year at a time, and he would have to go and attend to law suits.

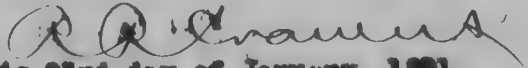
Q Where was he living in the summer of 1898? A I do not recollect.

Q Was he living in the Cherokee Nation? A I can not say: I do not recollect.

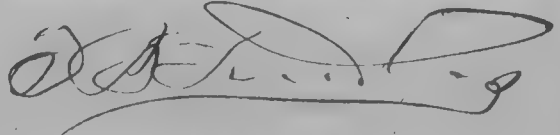
Com'r. T. B. Needles:

Q What relation are you to James Taylor? A He is a brother of mine.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 23rd day of January, 1901.



COMMISSIONER.

DATE

THE UNIVERSITY OF CHICAGO

[illegible]

1990

SEPARATION TO

COMMISSION TO

DEPARTMENT OF COMMERCE

Shall be used for the purpose of the following:

1950-1951, 1952-1953, 1954-1955, 1956-1957, 1958-1959, 1960-1961, 1962-1963, 1964-1965, 1966-1967, 1968-1969, 1970-1971, 1972-1973, 1974-1975, 1976-1977, 1978-1979, 1980-1981, 1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 2684-2685, 2686-2687, 2688-2689, 2690-2691, 2692-2693, 26

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Frank M. Tucker for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

Luman F. Parker, Jr., of Hutchings, Parker and West,
Vinita, I. T., attorneys for the applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorneys were notified by registered letter February 17, 1902, that their application of Frank M. Rucker for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter, both by the applicant and by his attorneys, and the applicant this day, to-wit: the 7th day of March, 1902, appears by his attorneys,

BY MR. PARKER: I desire to call attention to the fact that the father of Dora Rucker appears as one of the North Carolina Cherokees who removed here under the act of October 22, 1881, and also two of her brothers, James L. and William on same roll.

BY COMMISSION: The applicant's father appears on said roll as No. 20, aged at that time 58 years.

BY COMMISSION: The attorneys for the applicant and the representative of the Cherokee Nation present submit the case; same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

The Cherokee Nation will be given ten days in which to file with the Commission a certified copy of the act of the Council under which the North Carolina Cherokees of 1881 came.

The attorneys for the applicant request and will be granted 30 days in which to file brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

File with case C. D. #772

Supl.-C.D.#745.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOHN H. TAYLOR, ET AL., as citizens of the Cherokee Nation; in-
troduced on part of the Applicants:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 18th day of March, 1902. On said date the applicant appeared in person and by his Attorneys, Hutchings, Parker & West, Vinita, Indian Territory, and by agreement with the representative of the Cherokee Nation present, the case was continued until the 21st day of March, 1902. On this day, to-wit: the 21st day of March, 1902, the applicant appears in person and by his Attorneys.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: The Attorney for the applicant requests that the testimony had this day in the matter of the above application be filed with and made part of the record in the following cases: James Taylor, which was closed on the 13th day of March, 1902, No. D. 941; David J. Mathews, et al., closed March 7, 1902, No. D. 697, and Frank M. Rucker, et al., closed March 17, 1902, No. D. 772.

W. J. McKEY, being duly sworn, testified as follows on
part of applicants:

BY MR. PARKER:

Q State your name and residence? A I live in Tahlequah district, that is my home; I am at Wagoner at present; my name is W. J. McKey.

Q What is your age? A 60 years old.

Q Where were you born? A Born in North Carolina.

Q How long have you lived in the Cherokee Nation? A Ever since 1867.

Q What official positions if any have you held in the Cherokee Nation during your life?

Mr. Hastings: I submit that is entirely irrelevant.

Q What official positions have you held? A Why I was census taker there twice in Flint district.

Q Were you acquainted with James Taylor? A Yes, sir.

Q What has been his principal occupation or business during the time you have known him? A Which Jim Taylor?

Q I mean old man Jim? A He has been most of his time since I can recollect in Washington, tending to business of the Nation.

Q Representative of the Nation, of the North Carolina Cherokees?

A Yes, sir.

Q Where has he been representing them? A At Washington.

Q Were you ever a member of the Convention that appointed him or give him authority to represent the North Carolina Cherokees?

A Yes, sir; I suppose I was.

Q I wish you would examine that paper and see if that is a copy of the proceedings had at the convention and in what capacity you participated in that proceeding (paper shown witness and examined by him)? A Yes, sir, but I don't know anything about it.

Mr. Hastings: I submit that is a matter that is entirely irrelevant and it cuts no figure whatever with this case; it makes no difference how many North Carolina people he represented, it does not tend to show that he is entitled to citizenship here in any wise.

Mr. Parker: In that connection Attorney for the applicant desires to state that it is for the purpose of showing that James Taylor was doing while residing in Washington, and thereby accounting for his absence from the Cherokee Nation.

Witness: That is the date of the proceedings.

Q In what capacity did you participate in that proceeding?

A I was president of that gathering.

Q What did that gathering do? A It give Jim Taylor authority to look after the interests of the Cherokees of North Carolina in Washington.

Q What year was that? A 1894.

Mr. Parker: We desire to offer this copy of the proceedings had on that day.

Mr. Hastings: Well, the Cherokee Nation objects to it, first because it is a matter entirely irrelevant, and second because it is not certified to and is only a typewritten copy and no signatures thereto.

Commission: The document will be filed, and the attorney for the applicant is requested to furnish the Commission with a certified copy of the same.

Q Do you know whether or not previous to that time James Taylor had been authorized to represent the Emigrant or North Carolina Cherokees, or had acted in that capacity? A No, sir, I don't know that he was; always my understanding is that he was at work for them; I don't know what authority, and don't know whether it was done by convention or anything about that.

Mr. Parker: We desire to now offer in evidence a certified copy of the proceedings of the Convention held at Tahlequah on the 3d and 4th day of October, 1884, approving and confirming the actions of the Delegate, James Taylor, and conferring upon him additional powers as their representative.

Mr. Hastings: The representatives of the Cherokee Nation object to the filing of this document because it is not a certified copy of the record, and it does not purport to be, and because the same is irrelevant and immaterial.

Q Where were you in 1860, Mr. McKey? A I was in the Cherokee Nation.

Q Please state briefly your recollection of what happened in 1880 and 1881 with reference to the emigration of the North Carolina Cherokees to this country? A Well, there was an Act passed the Council in 1860, sometime in December, that there were two delegates sent back to North Carolina to invite the North Carolina Cherokees to the Cherokee Nation.

MR. HASTINGS:

Q That Act was a matter of record there? A Yes, sir.

MR. PARKER:

Q Did you go with those delegates? A I didn't go with them; I met them there.

- Q Did you see the applicant, John M. Taylor, Jr., if so, where?
A Yes, sir; I saw him there in Cherokee County, North Carolina where those delegates had assembled with a crowd of Cherokees.
Q Was he among them? A Yes, sir.
Q What did that delegation do at that time? A They just extended the invitation to them to come to this country.
Q Pursuant to that invitation did people from that county and neighborhood come to the Cherokee Nation? A Yes, sir.
Q When did you next see John M. Taylor, Jr? A I don't recollect exactly but I think best of my memory serves me, it was in '81.
Q Whereabouts was he? A In Tahlequah.
Q In this country, Cherokee Nation? A Yes, sir, after I left there.
Q At what time did the North Carolina Cherokees who had accepted that invitation remove to the Cherokee Nation? A Some of them came that summer and in the fall.
Q It was that fall that you saw John M. Taylor here?
A I think it was.
Q To the best of your knowledge where has John M. Taylor resided since that time? A I could not tell you; I have seen him often; I have seen him at Tahlequah, in Cooweescoowee. I have heard of him often.
Q In this country? A Yes, sir, I don't know whereabouts he lived.
Q Were the North Carolina Cherokees who came in response to that invitation required to register at Tahlequah and to be enrolled, to your knowledge? A I could not tell you anything about it.
Q Did you so understand at that time? A I don't recollect anything about whether they were required to enroll or not; I know there was some that did enroll.
Q Was anything said about whether they would have to enroll or not?
A I never heard anything about it; there was some that enrolled that fall, some of the Powell children..
Q If they were required to enroll in response to that invitation you didn't know it at that time? A No, sir.
Q You were in Cherokee country, North Carolina when the invitation was extended? A Yes, sir.
Q And was here when they came? A Yes, sir.
Q According to your information where has James Taylor, the old man, made his, considered his home; where is his home considered to be since the North Carolina Cherokees came west? A I have saw him several times since and he always told me he lived in Cooweescoowee with his children.

MR. HASTINGS:

- Q The North Carolina Cherokees did come and enroll, didn't they, Mr. McKey, when they came here, to the Executive office? A Some of them did.
Q Well, do you know of any outside of these that didn't?
A No, I don't know that I do.
Q You don't know of any? A No, I don't.
Q As a matter of fact they all come there and were enrolled and were paid some money by an Act of the National Council? A Yes, sir.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the Act of National Council approved December 16, 1881, the same being an Act or appropriation for the relief of the North Carolina Cherokees lately removed to the Cherokee Nation.

Commission: The document will be filed and made part of the record in the case.

Mr. Parker: Attorneys for the applicant desire to object to the introduction of the Act of December 15, 1881, for the reason that the same provides for the payment of certain sum of money to persons whose names appear upon the roll, and has nothing whatever to do with persons who might have settled in the Cherokee Nation in response to the Act of December 3, 1880, and whose names were not upon that roll.

Mr. Hastings: The Cherokee Nation offeres this certified copy of this Act in evidence for the purpose of showing that all the persons who came to the Cherokee Nation under the Act of December 3, 1880, aggregated 168 persons and were enrolled in the Executive office of the Cherokee Nation, and the name of the applicant does not appear thereon.

Commission: The document will be filed and made part of the record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in this case.

The Attorney for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the Application
of Frank M. Bucker for the Enroll-
ment of himself, his wife and
Three minor children.

The status of this case is as follows: The applicant's wife was born in North Carolina in 1866 and was the daughter of James Taylor and Addie Taylor, she was fourteen years of age at the time her father, James Taylor, and other members of the family accepted the invitation extended to North Carolina Cherokees to remove to the Cherokee Nation, this was in the fall of 1880; she was at that time in school at Nashville and admitted thereto as a Cherokee by blood, her father and two brothers were recognized and their names appear in the list of North Carolina Cherokees who removed to the Cherokee Nation under the provision of the act of the ~~National~~ Council approved ~~September 3~~, 1880, her father's name to it, James Taylor, being number 20 on the list. In the winter of 1882 her brother, James L. Taylor, returned to North Carolina and took ^{the applicant's wife} from school and brought ^{her} the ~~appli-~~ cant's wife, she being still a minor, to the Cherokee Nation, and she has ever since that date been a resident of the Cherokee Nation.

On the 14 day of September 1884 she was duly married to Frank M. Bucker, the applicant herein, as a result of this marriage three children, Ernest, Mable and Frank, were born, all of whom are now living with their parents in the Cherokee Nation, that all of said parties have resided continuously in the Cherokee Nation since said marriage, have made valuable improvements upon the public domain and have been recognized by the Cherokee Nation whenever occasion of recognition of a citizen has presented itself. They are

upon all the rolls made subsequent to said date and the subsistence or removal money allowed by the government to the North Carolina Cherokees was given to the brother of the applicant's wife for her.

These applicants were placed upon doubtful cards for two reasons, ^{first} want of proof as to citizenship of Mrs. Rucker and second: validity of her marriage ~~with~~ ^{to} Frank J. Rucker.

As to the first proposition a review of the facts it seems to us dispenses with the necessity of any argument, under Section 55 the Commission is required to enroll two classes of citizens, ^{first} all persons whose names are found on the 1880 Roll and all descendants born since the date of said roll to persons whose names are found thereon, and Second, all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities and who were minors when their parents were so admitted. This case comes squarely within ~~all~~ the later class. James Taylor, by reason of his Cherokee blood was lawfully admitted to citizenship as a North Carolina Cherokee in 1881 by the tribal authorities of the Cherokee Nation and Mary D. Rucker, wife of of the applicant here, was a minor when her father was so admitted and has heretofore made permanent settlement in the Cherokee Nation and duly enrolled by the tribal authorities in 1894 and 1896.

This clearly dispenses with of that question or the question of marriage, the applicant presented a certificate signed by Dr. W. Alberty, Assistant Executive Secretary of the Cherokee Nation dated October 26, 1900, certifying from the ~~the~~ record that Frank J. Rucker, a citizen of the United States and Mary D. Taylor, a citizen of the Cherokee Nation, were married on September 14, 1884. By both the 1894 and 1896 Roll it appears that Dora and May Dora, as she was called

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registered under the name of Fara and May Fara Tucker, by the testimony of her brother, James L. Taylor, her it appears that the family recognized the marriage as legal and that Frank M. Tucker procured a petition as required by the Cherokee Law at that time in order to marry a Cherokee and that ever since September 11, 1884 ^{Frank} he has lived with his sister, May Fara, as husband and wife. By the evidence of James Taylor, the father, it appears that he recognized the marriage between his daughter and Frank M. Tucker, that they are living together as man and wife, the same is shown by the evidence of David Taylor, her uncle, and with the evidence of James Taylor taken of January 17, 1881, was filed a marriage license issued by the Clerk of Tealequah District on September 12, 1884 authorizing the marriage between Frank M. Tucker, a citizen of the United States and May E. Tucker, a Cherokee and they certify to show that they were united in marriage on the 14 day of September 1884.

This was submitted conclusively meets both of the objections suggested by the honorable Commission who heard the original application.

Respectfully submitted.

H. R. W.

Alley

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
June 2nd 1902.

No. Cherokee D 772.

In the matter of the application of Frank M. Rucker for the enrollment of himself as a citizen of the Cherokee nation by intermarriage and for his wife and children as citizens by blood.

Brief on part of the Cherokee Nation.

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Frank M. Rucker applies for enrollment as a citizen of the Cherokee Nation by intermarriage; he was married on September 14th 1884, his wife is Mary Dora Rucker nee Taylor, who claims to be a daughter of James Taylor. She is thirty-four years of age and came to the Cherokee Nation in 1883. The testimony in this case shows that her mother and father were separated and that she remained in North Carolina in 1883, and she was never readmitted to citizenship upon her coming to the Cherokee Nation. She claims through and under an act of the National Council of the Cherokee Nation inviting the North Carolina Cherokees of date December 3, 1880, but she did not come under that invitation and did not arrive in the Cherokee Nation until January 1883. Her name is not upon the roll of those who came under the invitation, as are the names of all persons including men, women and children who came in 1881 and were enrolled as citizens. We contend that the applicant must have come under that act and must have been ~~upon~~ enrolled and recognized to have come under that act in order now to be listed for enrollment as a citizen of the Cherokee Nation.

The act of December 16, 1881 making an appropriation for a certain amount of money to be paid to these people was ordered filed in this case. This act in relation to the North Carolina Cherokees makes an appropriation for a certain amount of money to be paid these people: "Whose names

appear as members of this band upon the rolls now on file in the executive Department of this Nation."

The fact that there is a roll containing a list of the 168 names on file in the executive Department of the Cherokee Nation and the fact that this act so recites and shows that those who came under the invitation of December 3rd 1880 were required to enroll upon their reaching the Cherokee Nation and inasmuch as the applicant did not enroll and inasmuch as she has never been readmitted to citizenship subsequent to that time the Cherokee Nation contends that under the law she, her husband and children are not entitled to be enrolled as citizens of the Cherokee Nation.

Respectfully submitted,

W. M. Hastings

J. C. S.

Attorney for the Cherokee Nation.

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removal money under the act of December 3, 1880, showing that her coming was pursuant to said invitation and in accordance with the purpose of the family and the understanding of the government.

It further appears by the testimony in D-941 and in this case that her father was a man prominent among his people and in those years recognized as their representative at Washington on many occasions and was instrumental in securing the passage to the invitation to the destitute North Carolina Cherokees of whom he was one embodied in the act of December 2, 1880, and that he with those of his family who were able to go, lead the emigrants so invited to their new home. That he and his entire family accepted the invitation to remove west, except his wife (A white woman from whom he was separated and who died that year) the boys and their brothers came, May Dora, aged fourteen, and Addie, aged nine, little girls, were left in school.

Much stress is laid upon the ^{fact} that May Dora name does not appear upon the list of ¹⁶⁸ ~~1881~~, persons to relief the necessity of whom the Cherokee Nation appropriated a sum of money on December 16, 1881.

As a legal proposition there is nothing in the act of December 3, 1880, requiring the North Carolina Cherokees to enroll or register upon coming to the Nation. It was a mere voluntary act, but they having ^mitted to do so they were none the less Cherokees and still entitled to recognition and all rights as such, if in fact they came here under that invitation within the time required by law. True, most of those who came first would register, but there was nothing in the act requiring it and it was done in ~~and~~ order to secure their removal money and a participation in such relief appropriations as the one referred to; it was necessary in paying out this money to have some list, but the list itself form no element of their citizenship-it was simply a pay roll or list. Being on that list proves one fact, prima facie, viz: that the persons named had at that time accepted the invitation of to the Cherokee Nation. Applicant's father and brother, James,

are named because they were here at the time the list was made, and drew their money.

However, the questions as to whether a person was a North Carolina Cherokee in 1880 and did in fact accept the invitation to come west are both ones of fact that may be shown by any competent testimony, and this list was only one of the means of showing those facts, certainly not the only one because not made so by any law of the Cherokee Nation or of the United States.

Suppose for instance a child had come in 1880 with its parents and for some cause was omitted from that list, would it be any the less a North Carolina Cherokee who had come in response to an invitation of December 3,² Certainly not. All it would have lost would be its pro rata share for the relief of those whose names appear on that list, and how much stronger would it be as in this case when the Cherokee Nation by its every branch and department has recognized both May Dora as a Cherokee citizen by blood and her husband as an intermarried citizen. She having attended the school exclusively for Cherokee girls at the capitol of the nation subsequent to her removal; her husband before entering into a marriage contract with her, being required by the authorities to secure a petition, duly signed by a certain number of citizens; transfer and permitted him to hold lands in the Cherokee Nation as a citizen, enrolled May Dora, her husband and all their children in 1894, 1896 and distributed to them their prorata share of the funds paid to citizens of the Cherokee Nation since 1883.

Referring to section 22 of the Curtis act, it has been shown by undisputable testimony that *May Dora Rucker* ~~Anna Rucker~~ was a North Carolina Cherokee and that the family of which she was one came to the Cherokee Nation and in 1881 while she was yet a minor, in response to the invitation in the act of December 3, 1880, and were duly admitted to citizenship and that she still in her minority in 1883 made permanent settlement in the Cherokee Nation and has at all times since been enrolled and recognized by the tribal authorities

as a Cherokee citizen by blood.

A word with reference to the act of the Dawes Commission in 1896, concerning the case of James Taylor, her father, through some misunderstanding or apprehension, James Taylor, ~~an~~ applicant, ⁱⁿ to the Commission in 1888, was rejected for the reason that he had abandoned the Nation. This decision was ~~based~~ ^{passed} upon the report of the act of the Commission in 1896. But upon a further consideration of the case, he was placed upon the doubtful card and his case is now before the Commission for ~~the~~ consideration, however, that may be, it can have no effect upon the citizenship of May Dora, for since 1884 she has had a home of her own without interruption since 1883 been a permanent resident of the Cherokee Nation and no act of her father's or brother's or sister's amounting to an abandonment within the meaning of the law, could in any manner effect her, when as a matter of fact her father had never abandoned the Cherokee Nation and is still a citizen and resident thereof.

From any standpoint we can not see how the Cherokee Nation can seriously question the right of Frank M. Rucker, wife and family ~~has~~ enrollment as citizens of the Cherokee Nation. They have lived here nearly ~~thirty~~ ^{twenty} years and not until a brief in this case was filed, was their citizenship ever questioned and then upon the flimsy pretext that this little girl instead of being in school should have made the trip across the country with her father and brothers.

Her home followed them and she too, followed them while still in her minority.

Respectfully submitted,

Attorneys for Applicant .

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of FRANK M. RUCKER, for the enrollment of himself as a citizen by intermarriage, and his wife MARY D. RUCKER, and his children, EARNEST L., MAYBEL M., FRANK M., JR., and JOHN MARSHALL RUCKER, as citizens by blood, of the Cherokee Nation:

FRANK M. RUCKER, being duly sworn and examined by the Commission, testified as follows.

- Q What is your name ? A Frank M. Rucker.
Q What is your post office ? A Claremore.
Q What is your age ? A Thirty six.
Q Are you the same Frank M. Rucker that made application for enrollment as an intermarried citizen in November, 1900 ?
A Yes sir.
Q What is the name of your wife ? A May Dora.
Q Is your wife living ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to your wife May Dora ? A In 1884.
Q Were you ever married prior to your marriage to this wife ?
A No sir.
Q Was she ever married prior to her marriage to you ?
A No sir.
Q Have you and your wife May Dora lived together since your marriage up to the present time ? A Yes sir.
Q Never been separated ? A No sir.
Q Were you and she living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage in 1884 up to the present time ? A Yes sir.
Q Has your wife lived in the Cherokee Nation since 1884 all the time up to the present time ? A Yes sir.
Q Are these children, Earnest L., Maybel M., Frank M., Jr., and John Marshall, your children by your wife May Dora ? A Yes sir.
Q Are these children living at this time ? A Yes sir.
Q Have they lived in the Cherokee Nation all their lives ?
A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 25, 1902.

E. C. Bagwell
B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank M. Rucker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, May D. Rucker, and his four minor children, Earnest L., Mabel M., Frank M., Jr., and John Marshal Rucker, as citizens by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on November 9, 1900, Frank M. Rucker appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, May D. Rucker, and his three minor children, Earnest L., Mabel M., and Frank M. Rucker, Jr., as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 10, 1900, at Muskogee, Indian Territory, on January 17, 1901, on January 22, 1901, and on March 7, and October 21, 1902. The testimony taken in the matter of the application for the enrollment of John M. Taylor, et al., Cherokee D, case #745, on March 21, 1902, is made a part of the record in this case. Another child, John Marshal Rucker, is identified by birth affidavits made a part of this record and he is now embraced in this decision.

The evidence shows that Frank M. Rucker, a white man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on September 14, 1884, to May D. Taylor, a Cherokee by blood who came to the Cherokee Nation from North Carolina pursuant to an invitation extended to the North Carolina Cherokees by the authorities of the Cherokee Nation under an Act of the National Council of the Cherokee Nation, approved December 3, 1880. The name of May D. Rucker is not found upon the list of the North Carolina Cherokees who so removed to the Cherokee Nation and she did not come with the main body who so removed but remained at school until January, 1883, when she joined the other North Carolina Cherokees in the Cherokee Nation, she at that time being a minor. The name of her father, James Taylor, is found on the list of North Carolina Cherokees. Upon an examination of the tribal rolls of the Cherokee Nation in the possession of this Com-

mission the name of May D. Rucker is found on the Cherokee Pay roll of 1886, on the Cherokee Census roll of 1890, on the Cherokee Pay roll of 1890, on the Cherokee Strip payment roll of 1894, and on the Cherokee Census roll of 1896. The name of her husband, Frank M. Rucker, is found on the Cherokee Census roll of 1890, and on the Cherokee Census roll of 1896. Each of the children of May D. Rucker and her husband, Frank M. Rucker, are identified on the above mentioned rolls made during his or her lifetime. The child, John Marshal Rucker, is too young to be upon any roll and proper proof of his birth, on December 13, 1901, has been furnished this Commission.

The evidence further shows that Frank M. Rucker and his wife, May D. Rucker, have resided in the Cherokee Nation since 1883 and have lived together since that time up to and including September 1, 1902. The residence of the children is considered to be that of their parents.

It is, therefore, the opinion of this Commission that Frank M. Rucker should be enrolled as a citizen by intermarriage, and that May D. Rucker, Earnest L. Rucker, Mabel M. Rucker, Frank M. Rucker, Jr., and John Marshal Rucker, should be enrolled as citizens by blood, of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tarns
Acting Chairman.

T. B. Needles
Commissioner.

C. W. DeCrawford
Commissioner.

Muskogee, Indian Territory,

this MAR -2 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-772

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Frank M. Rucker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, May D., and his four minor children, Earnest L., Mabel M., Frank M., Jr., and John Marshal Rucker, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-1020

Frank M. Rucker

Original testimony. Nov 9 1900.

Mem. of application. Nov 9 1900.

Certified copy of marriage record.

Marriage license and certificate.

Supplemental testimony Nov 13 1900.

Supplemental testimony Jan 17 1901.

Additional testimony Jan 17 1901.

Receipt for testimony
Birth affidavit John W. Rucker
Date of final consideration 3/7/02

Roll of M. L. Rucker

Supplemental proceedings

Closing testimony 3/7/02

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE INDIANIZED TRIBES
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. November 9th, 1900.

IN THE MATTER OF THE APPLICATION OF SAMA ELLA STUBBS FOR THE ENROLLMENT HERSELF AND CHILDREN AS CHEROKEE CITIZENS.

The said Sama Ella Stubbs, being sworn and examined by Commissioner T. B. Hedder, testified as follows:

- Q What is your name? A Sama Ella Stubbs.
Q What is your age? A Thirty-five.
Q What is your post office? A Mayville, Chickasaw Nation.
Q What district do you live in? A In the Chickasaw Nation.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q For whom do you apply for enrollment? A Myself and two children, and my husband I guess, but I haven't the marriage certificate with me.
Q You were married? A Yes, sir.
Q What is your husband's name? A James M. Stubbs.
Q Is he living? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q What was your name before you married? A Lowther.
Q Is your name on the roll of 1880? A Yes, sir; I think so.
Q As Lowther? A Yes, sir.
Q What are the names of your children? A Henry E. Taylor. I was married before.
Q How old is Henry E. Taylor? A He will be sixteen in May.
Q The name of the next child? A Georgia L. Taylor.
Q How old is she? A She will be fourteen in December.
Q The name of the next one? A That is all I have got.
Q Two? A Yes, sir.
Q What was the name of your father? A Watson Lowther.
Q Is he living? A No, sir.
Q The name of your mother? A Jane Lowther.
Q Is she living? A Yes, sir.
Q Was that your name in 1880, or were you married twenty years ago to Taylor? A No, I wasn't married until 1881.
(Examination by Mr. W.W. Hastings, Representative of Cherokee Nation.)
Q Where were you married? A I was married at Catoosa, in 1881, I think. I don't remember just what year it was. I never had no certificate.
Q Where had you been living just before you were married?
A I was living at Catoosa just before I was married.
Q Did you and Taylor separate? A Yes, sir.
Q And were you divorced? A Yes, sir.
Q He has this older child? A Yes, sir.
Q He is out in Washington? A Yes, sir.
Q How long has he been there? A About nine years.
Q Has he had it ever since the separation? A Yes, sir.
Q Where is the other one? A Down at my sister's on Dog Creek.
Q Are you living in the Chickasaw Nation now? A Yes, sir.
Q How long have you been living there? A I have been there since July. I am not living there. I am only staying there with my husband. He is working there.
Q What is he doing? A Working for a man, running a ranch.
Q You lived in Kansas a while? A Yes, sir; I lived there three

years, that is, he was at work there.

Q Where were you living in June 1898, two years ago? A I was living at Elzie, Kansas.

Q When did you move to Kansas, in 1897 or 1896? A 1896.

Q And you lived there until this last July? A Yes, sir.

Q You then moved to the Chickasaw Nation? A Yes, sir.

Q Did you ever live up in Kansas before that? A No, sir.

Q When did you marry this second husband? A In 1895.

1896 roll, page 262, No. 4620, Samy Stubbs, Cooweescoowee District.

Q Did your last husband get a Cherokee license, or do you know.

A I think he got a United States license, as far as I know.

Q What is the E for in Henry Taylor's name? A Earl.

Q Did you ever live in Going Snake District? A No, sir.

1896 Roll, page 262, No. 4621, Taylor Stubbs, Cooweescoowee District

Q Its name is not Stubbs, it is Taylor. That is the girl Georgia?

A Yes, sir.

Q Did your mother rear you? Did you stay with her? A Yes, sir.

Q Did you live with her up until the time you were married? A Yes, sir; with the exception of four or five years I was at Winita in school with my sister.

Q What was your sister's name? A Isabel.

I don't think I am on the roll of 1890.

Q Are your father and mother on the roll of 1890? A No, sir/

I don't think my mother was on, but she was living here.

Q Do you know why your name wasn't on the roll of 1890? A I

heard my mother say she didn't have my name put on the roll.

Q Do you know why? A No, sir; I don't.

THE COMMISSIONER: The name of Sama E. Stubbs appears upon the census roll of 1896. Her name does not appear upon the authenticated roll of 1890. The name of her mother, Jane Lowther, appears upon the authenticated roll of 1890. By reason of doubt as to her residence from the testimony given, and her citizenship, final judgment as to her enrollment will be suspended and her name will be placed upon a doubtful list. She avers that she has two children, Henry E. Taylor and Georgia L. The name of her child Georgia L., appears upon the census roll of 1896. The name of her eldest child, Henry E. does not appear upon the census roll of 1896. She avers that he is living, and has been for many years, in Washington with his father. By reason of the suspension of judgment as to her enrollment, judgment will also be suspended for the enrollment of her two children, Henry and Georgia Taylor, by her former husband. She is now married to one Stubbs.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9th day of November A. D. 1900.


Commissioner.

2773

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. November, 13th 1900.

In the matter of the application of Sams Ella Stubbs for enrollment as a Cherokee citizen. JANE LOWMEYER being sworn testified as follows before the Commission:

Q What is your name? A. Jane Lowmeyer.
Q What is your age? A. 72.
Q What is your post office address? A. Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A. I always have been.

By Mr. Hasty, Cherokee Representative:-

Q Is Mrs. Sams Ella Stubbs your daughter? A. Yes sir.
Q Where was she born? A. In the state of Indiana.
Q When did you come to the Cherokee Nation? A. In 1866.
Q When did she come? A. She came at that time, I brought her here as a baby.
Q To what part of the Cherokee Nation did you come? A. In Delaware District.
Q What part? A. North part.
Q Near what place? A. Baxter Springs Kansas was the nearest point then.
Q How long did you stay there? A. Ten months.
Q Where did you go then? A. Went to Fort Smith, Arkansas.
Q How long did you remain there? A. About a year.
Q Where did you go then? A. To Fort Gibson.
Q How long did you live there? A. 3 years.
Q Where did you go then? A. To Cooweescoowee district on the Caney river and bought a farm.
Q When was that? A. In '70 sometime.
Q Have you lived there continuously ever since? A. Yes sir in Cooweescoowee, not on that farm.
Q When you moved to Cooweescoowee district in 1870, was this daughter with you? A. Yes sir.
Q Was she with you in 1880? A. No sir she was at Vinita going to school.
Q When you enrolled then, why didn't you enroll her? A. I am satisfied that I did enroll her.
Q You think then it was an error of the Census takers that she was not placed on the 1880 roll? A. Yes sir.
Q After coming to the Cherokee Nation in 1866, did she live continuously in the Cherokee Nation up to her marriage? A. Yes sir.
Q When was she married? A. She was married in 1882 or '83, somewhere along there, and in this district.
Q She was married to a man named Taylor in 1882 was she not? A. Yes sir.
Q Where did they live, in this district? A. Yes sir in this district.
Q All the time? A. No sir.
Q Where else did they live? A. In the Creek Nation six or seven months. He was at work there.
Q Besides the time that they lived in the Creek Nation, did they live in the Cherokee Nation all the time? A. Yes sir.
Q Until they separated? A. No they went to Washington Territory and separated out there.
Q How long did they live together in Washington Territory before they separated? A. About a year.
Q After they separated did she return here? A. Yes sir.
Q She afterwards married a man by the name of Stubbs? A. Yes sir.
Q She testified that she lived with him in the Cherokee Nation until 1886 and then went to Kansas and lived there three years, is that

correct? A. Yes sir.

Q And since then went with him to the Chickasaw Nation where she has resided ever since? A. Yes sir.

By A. M. Galloway, attorney for applicant:

Q. Did Mrs. Stubbs own property in the Cherokee Nation all that time? A. Yes sir. on Bird Creek.

Q Does she own that property yet? A. Yes sir.

A. M. GALLOWAY called as a witness for applicant, sworn and testified before the Commission as follows:

Q What is your name? A. A. M. Galloway .

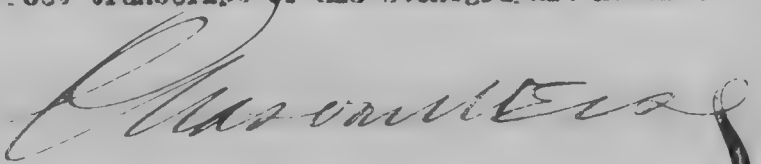
Q What is your age? A. 51.

Q What is your post office address? A. Claremore, I. T.

Q You are an attorney at law? A. Yes sir.

Q Now anything that you desire to state in regard to this matter you may do. A. I wish to state that since Mrs. Stubbs had been in Kansas, in the Osage Nation I understood it was, we have been doing business with her, Mr Layhay and myself together; we have made out her rent contracts and she had always received rent for her place on Bird creek. I know that she has owned property there all the time that she has been gone and that we have looked after the renting of it for her and I know that she owns that property yet.

Chas. von Meise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceeding.



Subscribed and sworn to before me this the 13th of November, 1900.



Commissioner.

DEPARTMENT
COMMISSION TO
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1. The first of these is the fact that the
 2. Government of the United States has
 3. been unable to secure the cooperation of
 4. the United Kingdom in the investigation
 5. of the activities of the German
 6. Government in the United States.
 7. The second of these is the fact that
 8. the United States has been unable to
 9. secure the cooperation of the United
 10. Kingdom in the investigation of the
 11. activities of the German Government
 12. in the United States.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George W. Green for the enrollment of himself as a Cherokee citizen.

Appearances:

Applicant in person;

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears in person.

GEORGE W. GREEN, being first duly sworn and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A George W. Green.
Q How old are you, Mr. Green? A 56.
Q What is your post-office address? A Kelso, Indian Territory.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q What is the name of your present wife? A She is not living now, Victoria Seymour Green.
Q What was her maiden name? A Seymour.
Q You were married before you married her? A Yes sir.
Q What was the name of your first wife? A Jennie L. Blythe.
Q Was it Jennie L. Blythe or Lovely J. Blythe? A I have it Jennie L. That is the same person.
Q Was she sometimes called Locely J.? A Yes sir.
Q You were married to your first wife in '73? A Yes sir.
Q Did you live with her until she died? A Yes sir.
Q You were married to her before she was admitted to citizenship? A Yes sir.
Q After her admission? A No, before she was admitted, my first wife.
Q She was living here at that time? A Yes sir.
Q You were married to your second wife after she was admitted to citizenship? A No sir.
Q Before she was admitted to citizenship? A Before she was admitted to citizenship; she was living here but her right was disputed after we were married and she was re-admitted.
Q Is there any other statement you desire to make relative to your enrollment? A I believe you wrote me to file the papers of my second wife's admission to citizenship.
Q Have you those papers with you? A No sir, I wrote to the Executive Commission for them and they said you had the books here.

BY COMMISSION: It appears from the records of the Cherokee Commission Docket on Citizenship, page 21, case No. 21, that Victoria Seymour Green filed a petition for citizenship in the Cherokee Nation at Tahlequah, on the 21st day of January, 1880.

*The above case (Victoria Green vs Cherokee Nation), continued by consent of parties until the September Term, 1880.

The above case continued until January Term 1881, by plaintiff.

The above case continued by consent of both parties October 3, 1881.

January 28, 1882.

And now this case coming on for final hearing on all the testimony produced in the case, and both sides being carefully read and duly considered; and the fact that the claimant is a Cherokee by blood having been clearly proved by the testimony, and being undisputed by the defendant; and the ~~defendant's~~ defense being rested wholly upon the allegations that the claimant took a reservation on the neutral land under the provisions of the treaty of 1866, thereby parting with her rights to Cherokee citizenship, and said defence having been found to be unsustained by the evidence; it was adjudged by the Commission on Citizenship that the claimant, Victoria Seymour Green, is a Cherokee by blood, and that she is entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that she should be and she is hereby admitted to the full and perfect enjoyment of the same within the Cherokee Nation in all respects as completely as native born Cherokees.

Thomas Teehee, President Commission,
Alex Wolf,
T.F. Thompson, Commissioners.

D.W.C. Duncan, Clerk."

Q Any further statement you desire to make? A Nothing further.
Q You submit the case to the Commission for final consideration?
A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, E.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E.D. Green

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the Commission. The case is considered completed, and
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Supl.-C.D.#773.

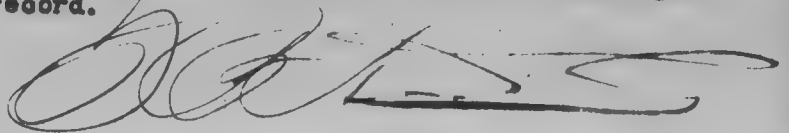
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of SAMA E. STUBBS,
ET AL., as citizens of the Cherokee Nation.

Applicant and her attorney were notified by registered letter February 18, 1902, that the application of Sama E. Stubbs for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit; the 8th day of March, 1902, appears by her attorney A. M. Calloway, Claremore, Indian Territory.

Mr. J. C. Starr, Cherokee Representative present.

The attorney for the applicant and representative of the Cherokee Nation present submit the case to the Commission for final consideration. The same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sams E. Stubbs and her two minor children, Henry E., and Georgia L. Taylor, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--000--

The record in this case shows that on November 9, 1900, Sams E. Stubbs appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of herself and her two minor children, Henry E., and Georgia L. Taylor, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 12, 1900.

The evidence shows that Sams E. Stubbs, formerly Sams E. Taylor, nee Lowther, is a Cherokee by blood, the daughter of Jane Lowther, a citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880. Sams E. Stubbs cannot be identified on the Cherokee authenticated tribal roll of 1880 and it is probable that her name was left off that roll by some mistake. At the time that roll was made Sams E. Stubbs was in the Cherokee Nation but away from home at school. Upon an examination of the tribal rolls of the Cherokee Nation in the possession of this Commission her name is found on the Cherokee Pay roll of 1883, on the Cherokee Pay roll of 1886, on the Cherokee Census roll of 1890, on the Cherokee Pay roll of 1890, and on the Cherokee Census roll of 1896. The name of her son, Henry E. Taylor, is found on the Cherokee Pay roll of 1886, on the Cherokee Census roll of 1890, and on the Cherokee Pay roll of 1890. The name of her daughter, Georgia L. Taylor, is found on the Cherokee Census roll of 1890, on the Cherokee Pay roll of 1890, on the Cherokee Strip Payment roll of 1894, and on the Cherokee Census roll of 1896.

The evidence further shows that Sams E. Stubbs came to the Cherokee Nation with her mother in 1866, and that she lived continuously in the Cherokee Nation from that year, except for two short periods of time, until her separation from her former husband, Taylor, which took place in the State of Washington about the year 1891. After her separation and an absence of about a year in the State of Washington she returned to the Cherokee Nation, married her present husband, and lived with him in the Cherokee Nation until the year 1896. From that year until the year 1899 she resided with her husband in the State of Kansas where her husband was employed. Henry E. Taylor, sixteen years of age at the date of this application, lived in the Cherokee Nation all his life until the time of the separation of his mother and father, since which time he has lived with his father in the State of Washington. It is considered from the evidence that Georgia L. Taylor has been with her mother ever since her birth.

Neither Sam H. Stubbs nor either of her children, Henry H., and Georgia L. Taylor, were residents of the Cherokee Nation or of the Indian Territory on June 25, 1898.

Paragraph 9 of Section twenty-one of the Act of Congress approved June 25, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore, the opinion of this Commission that the application for the enrollment of Sam H. Stubbs, Henry H. Taylor, and Georgia L. Taylor as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) I. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this DEC - 1 1902

Cherokee 7-17-

This is in the matter of SAH E. STEPHENS et al, for removal
of the same by blood in the Cherokee Nation.

PETITION FOR REMOVAL TO THE HONORABLE SECRETARY
OF THE INTERIOR.

-BRIEF AND ARGUMENT -
On behalf of Petitioners.

From the evidence in this case heretofore taken, and the
affidavits accompanying the petition for removal in this case;
it is clear to our minds that the provision of the Act of Congress
of June 20th, 1896, "No person shall be enrolled who has not hereto-
fore resided in and in good faith settled in the Nation in which
he claims citizenship," can have no application to this case for
the reasons stated in the petition. The affidavits filed in support
of this petition, and the testimony heretofore taken show that
the petitioners are beyond question, citizens by blood, of the
Cherokee Nation, and it clearly shows that the petitioners herein
have owned and held improve lands in the Cherokee Nation for years.

The change of location must be made with a bona-fide intention
of becoming a citizen of the new State, and there must be actual
residence there with the intention that it is to be a principal
and permanent residence:

Mitchell vs. U. S., 88 U.S. 350.

Law. Ed. Book 88, 535.

Railway Company vs. Ohio, 177 U.S. 173 Law. Ed. Book 89, 657.

Krone vs. Cooper, 43 Ark. 542.

Wick vs. Wilkins 112 U.S. 94 Law. Ed. Book 88, 645.

We content that if these Indians have in no manner lost or
forfeited their rights, it must be under the provisions of the

Cherokee Constitution which is as follows "Whenever any citizen
shall remove with his effects out of the limits of this Nation, and
become a citizen of any other government, all his rights and privi-
leges as a citizen of this Nation shall cease; provided nevertheless
that the National Council shall have the power to extend by law
to all the rights of citizenship in such person or persons who
may at any time, desire to return to the Nation on memorializing
the National Council for such redress."

Applicant's content that they have, in no manner whatever forfeit

-2-

ed their rights under the Constitution, but that on the contrary, they have at all times and under all circumstances maintained and kept their right in the Cherokee Nation, and that the mere absence in the Osage Nation or in Kansas, for a limited period, is not sufficient to forfeit their right to citizenship. They ~~now~~ respectfully refer to the case of Joe and Scott Yeargan, applicants for citizenship in the Cherokee Nation, recently decided by the Department of the Interior.

Wherefore the applicants respectfully submit that they are entitled to be enrolled as citizens of the Cherokee Nation.

COPY.

State of Kansas, :
Chautauqua County, : ss.
:

All Kent being of lawful age and being duly sworn upon oath deposes and says: That I have known Sana E. Stubbs, wife of J. M. Stubbs since the fall of 1898. That during the summer of 1898 I worked for J. M. Stubbs, husband of Sana E. Stubbs, who was then foreman for John I. Clare, handling cattle on the Osage Indian Reservation. That J. M. Stubbs and his wife Sana E. Stubbs made their home at Clare's headquarter ranch on the Osage Indian Reservation during the summer of 1898, but their real home was on Bird Creek in the Cherokee Nation.

All Kent,

Subscribed and sworn to before me this 14th day of February 1903.

R. W. Black,
Notary Public.

SEAL.

My commission expires Dec. 18th, 1904.

COPY.

State of Kansas, :
: ss.
Chautauqua County, :
:

Tom Wilkins being of lawful age and being duly sworn upon oath deposes and says: That I am well acquainted with Sama E. Stubbs, having known her since the Spring of 1897. That during the years of 1897 and 1898 I worked for J. M. Stubbs (Husband of Sama E. Stubbs) while he was foreman for Green Davidson and John I. Clare working Cattle in the Osage Indian Reservation. That J. M. Stubbs and his wife Sama E. Stubbs made the home at the headquarters Ranch of John I. Clare on the Osage Reservation during the summer of 1898, but their real home was on Bird Creek in Cherokee Nation.

Tom Wilkins,

Subscribed and sworn to before me this 13th day of February 1903

SEAL.

R. W. Black,
Notary Public.

My commission expires December 18th, 1904.

State of Kansas, :
: ss.
Chautauqua County, :
:

R.W.Black being of lawful age and being duly sworn upon oath deposes and says: That I am in the mercantile business at Elgin, Kansas, and a large part of our business is furnishing Ranch supplies to Ranchmen holding Cattle on the Osage Reservation.

That I have known Sam E. Stubbs since the summer of 1896, and that during the summer of 1898, J.M. Stubbs, husband of Sam E. Stubbs was foreman for John I. Clare handling Cattle on the Osage Reservation. I was very well acquainted with them from the fact they purchased Ranch supplies from me and were in town often, but they, (J.M. Stubbs and Sam E. Stubbs) made their home at Clare's headquarters Ranch on Osage Indian Reservation during the summer of 1898.

R.W.Black,

Subscribed and sworn to before me this 13th day of February, 1903.

SEAL.

A.S. Wilcox,
Notary Public.

My commission expires Nov. 9, 1905.

State of Kansas, :
 Chautauqua County, :
 :

ss.

J.W.Bybee being of lawful age and being duly sworn upon oath deposes and says. That he is a merchant doing business in Elgin, Kansas.

That I have known Sama E.Stubbs since the spring of 1898; her husband J.M.Stubbs was foreman for J.I.Clare handling cattle in the Osage Reservation during the summer of 1898, and I had an account with them on my books at that time, as they got their mail at Elgin, Kansas, and bought their Ranch supplies there, and that during the summer of 1898 Sama E.Stubbs and J.M.Stubbs her husband, made their home at John I.Clare's headquarters Ranch on the Osage Indian Reservation.

J.W.Bybee.

Subscribed and sworn to before me this 13th day of February 1903

SEAL.

R.V.Black,
 Notary Public.

My commission expires Dec.18th,1904.

Cherokee D. 178.

In the matter of the application of Sam E. Stubbs et al, for
enrollment as Cherokees by blood in the Cherokee Nation.

-PETITION FOR REHEARING-

I, W. Hastings, attorney for the Cherokee Nation, in making
the Cherokee roll, hereby acknowledge receipt of a copy of the
petition for rehearing, and brief ~~in~~ in argument in the above
styled case, this 26th day of March, 1903.

Attorney for Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sama E. Stubbs, ~~and her two minor children~~, Henry E.
Taylor and Georgia L. Taylor, as citizens by blood, of
the Cherokee Nation. D-773.

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Cherokee D-775.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Samuel Stubbs, Henry E. Taylor and Georgia E. Taylor, as citi-
zens by blood of the Cherokee Nation.

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D. C. I. 110 .

The record in this case shows that on November 9, 1900, Samuel Stubbs appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself and her two minor children, Henry E., and Georgia E. Taylor, as citizens by blood of the Cherokee Nation. Further proceedings in this matter of said application were held at Claremore, Indian Territory, on November 12, 1900.

On December 1, 1900, the Commission rendered its decision herein, denying the right of applicants to enrollment, and on December 1, 1902, the record of proceedings had in the matter of said application were forwarded to the Department. Thereafter, the applicants filed with the Department a petition for re-hearing, accompanied by brief and argument, and on April 2, 1903, the Department returned said case for readjudication. Supplemental testimony in the matter of said application was taken at Tahlequah, Indian Territory, April 20, 1904.

The evidence herein shows that one Jane Lowther, a citizen by blood of the Cherokee Nation, and whose name is identified on the Cherokee authenticated roll of 1880 as a native Cherokee, is the mother of Samuel Stubbs, formerly Sam E. Taylor, now Stubbs, and he during the war of the rebellion, lived to the west of Indian, where the principal applicant herein was born.

The evidence further shows that Samuel Stubbs was brought by her mother to the Cherokee Nation in 1866, and has continuously resided therein, except as noted below. She is identified on the Cherokee pay rolls of 1880, 1886, and 1890, and on the Cherokee census rolls of 1880 and 1896. In 1882 or 1883 she married one H. E. Taylor, a non-citizen white man, and two children, Henry E. Taylor and Georgia E. Taylor, were born of this union. The said Henry E. Taylor is identified on the Cherokee

pay rolls of 1886 and 1890 and the Cherokee census roll of 1890, and the said Georgia L. Taylor is identified on the Cherokee pay rolls of 1890 and 1894 and the Cherokee census rolls of 1890 and 1896.

In the year 1881 the principal applicant herein, with her husband, moved to California, where they later separated, she with her daughter, Georgia L. Taylor, returning to the Cherokee Nation, her son, Henry L. Taylor, remaining with his father in California. Several years after her return to the Cherokee Nation she married one James W. Stubbs, a non-citizen white man, and lived with him in the Cherokee Nation until 1896, when she, with her husband, moved to the Osage country, and from there to the Comanche country, remaining until the year 1900, when they returned to the Cherokee Nation, and have ever since resided therein.

It does not appear that the residence of the principal applicant herein in California and the Osage and Comanche country was such as to forfeit her rights to citizenship in the Cherokee Nation.

It is further evident that the principal applicant herein, for a number of years has owned and controlled property in the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the cases of Joseph D. Yeargan et al. (I.T.D. 1900-1910) Clement G. Clarke et al., (I.T.D. 1870-1903) and James Hunter et al., (I.T.D. 1870-1903), Sarah W. Stubbs, Georgia L. Taylor and Henry L. Taylor should be regarded as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 493), and it is so ordered.

COMMISSION TO THE CIVILIZED TRIBES.

(SIGNED).

Tamie Dixie
Chairman.

(SIGNED).

T. B. Needles

Commissioner.

(SIGNED).

C. E. Brookbridge

Commissioner.

Muskogee, Indian Territory,

this JUL 29 1904

DEPARTMENT OF THE INTERIOR,

Commission on to the Five Civilized Tribes,

In the matter of the application for the enrollment of Sam H. Stubbs
et al as Cherokee Citizens.

Cherokee D 773.

Protest.

The Cherokee Nation respectfully protests against the decision of the
Commission in this case and asks that the record be forwarded to the Honou-
rable Secretary of the Interior for Review.

The Cherokee Nation contends that these applicants are not entitled
to be enrolled as citizens of the Cherokee Nation because of the fact
that they abandoned the Cherokee Nation. In 1891 the principal applicant
with her husband and children took up their residence in California where
they became citizens, where the husband continued to reside and where
one of the applicants herein still resides.

Reference is made to the testimony in this case which we believe
conclusively shows that these applicants were properly rejected by the
Commission and the Department and we submit that they should not now be
enrolled.

Respectfully,

W. H. H. H. H.
Attorney for the Cherokee Nation.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., April 28, 1904.

In the matter of the application of Sama E. Stubbs for the enrollment of herself and her two children, Henry E. and Georgia L. Taylor, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

SAMA E. STUBBS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Stubbs.
Q Sama E.? A Sama E. Stubbs.
Q How old are you? A 38.
Q What is your postoffice address? A Now?
Q Yes? A Hillside.
Q You are a Cherokee by blood, are you? A Yes sir.
Q Where were you born? A I was born in Indiana.
Q What was your mother's name? A Jane Lowther.
Q She was a Cherokee? A Yes sir.
Q Your father was a white man? A Yes sir.
Q When did you come to the Cherokee Nation? A I was small when we came back here; this was my mother's home and in the War she went to Indiana and I was born there. I was maybe a year old.
Q You don't remember it do you? A No sir.
Q How long had your mother been living in Indiana? A She was only there during the War; I think they had been there a year; maybe two years.
Q Did she come back to the Cherokee Nation soon after the War?
A Yes sir, she came back.
Q How long did she continue to live here? A All the time.
Q Is she dead? A Yes sir.
Q When did she die? A Two---three years ago this June.
Q Your father is dead too? A Yes sir.
Q Did he come to the Cherokee Nation? A Yes sir.
Q When did he die? A About 14 years ago.
Q You are married? A Yes sir.
Q When were you married? A In '95.
Q That is your first marriage? A No sir, my second marriage.
Q When were you first married? A Well, I don't just remember what year it was; I can tell you so you can count it up; I was 17 years old.
Q It would be then about 21 years ago; that would be 1883?
A '83 or '82, I don't know which.
Q Did you live with your father and mother up until that time---until your first marriage? A With the exception of the time I was going to school at Vinita.
Q That was in the Cherokee Nation? A Yes sir.
Q What was the name of your first husband? A Taylor.
Q Given name? A E. N. Taylor.
Q Was he a Cherokee? A No sir.
Q White man? A Yes sir.
Q He living? A Yes sir; was 2 years ago.

- Q When did you separate? A About 12 years ago; I think it was about 12 years ago.
- Q You lived with him about 11 years, did you? A I think about that time.
- Q Where did you live? In the Cherokee Nation?
- A I lived in the Cherokee Nation with him 4 or 5 years and then I went to California with him.
- Q What did you go out there for? A I don't know exactly; he wanted to go and I was married to him.
- Q Did he go there to work? A Yes sir; we went to Washington Territory first and from there to San Francisco.
- Q How long did you stay there? A In Washington and San Francisco about 2 years, hardly 2 years, came home in the summer or spring.
- Q Then you separated after you came home? A I separated there and came home.
- Q Did you come home immediately after you separated? A No sir, I was there about 3 months.
- Q Where did you come to? A Vinita; staid there a few days and came on to Claremore.
- Q How long did you live there? A Well I staid there then.
- Q Right along? A Yes sir.
- Q Until your second marriage? A Yes sir.
- Q You were married there the second time? A I was married at Catoosa.
- Q To whom were you married then? A To this man, Stubbs.
- Q He is a white man, is he? A Yes sir.
- Q That was about '95 you say? A Yes sir, December 9th.
- Q Where have you and your husband been making your home since '95?
- A I staid at Catoosa and he went to Texas to receive a bunch of cattle. I staid at Catoosa till April and he came back and they was shipped to Kansas on the Osage line and he taken me down to the ranch in the Osage Nation and I staid with him that year and then we came back here in the Cherokee Nation and we didn't do anything much and I staid in the Osage Nation again that summer and we staid there 3 years in the Osage Nation; and then he went to the Comanche country with cattle and I went to him in July and then when I went to him there I staid until the fall when the Dawes Commission was at Claremore.
- Q Did you stay with him then? A Yes sir. I had bought a place and when I came back I went on that place and staid there.
- Q Has your husband been living here since then? A Yes sir.
- Q Both living together in the Cherokee Nation since you made application for enrollment? A Yes sir.
- Q When did you buy a place, did you say? A I don't remember just what year it was but it was when they were selling those intruder places; I think it was the fall of '97.
- Q Had you owned any property before that? Yes sir I did but I didn't exactly have possession of it.
- Q How did you get that place? A I made it.
- Q When was that? I don't remember what year it was, and I never did have possession of it after I made it and moved away.
- Q What did you do with it when you went away? Why, I don't know.
- Q Abandoned it, did you? A Yes sir, I guess that's it.
- Q Was it improved? A Had a little house on it.
- Q And from that time till '97 when you bought this place, you didn't own any place. I claimed that one all the time, but it wasn't much of a place.
- Q Have you owned this place since '97? A Yes sir.
- Q Living on it? A I have not lived on it all the time.
- Q Rented it out? A I am living on it now.
- Q You and your husband have never lived in the States? A No sir.

- Q Just in the Osage and Caddo countries? A Yes sir.
Q You had 2 children by your first marriage, had you? A Yes sir.
Q Henry E. and Georgia L.? A Yes sir.
Q Both living now? A Yes sir.
Q Living with you? A Just one, the girl.
Q Where is Henry? A He is with his father in California.
Q Never came back? A No sir.
Q How old is he? A I think he is 19 this May.
Q Does he own any place in the nation? A No sir.
Q The girl is living? A Yes sir.
Q Have you any children by your second husband? A No sir.
Q Did you draw your strip money in '94? A I drew part of it, yes sir.
Q Didn't you get it all? A Yes, I guess I got it all. I had it spent before I got it.
Q Someone else drew it for you? A Yes sir.
Q Where were you living? A Claremore.
Q Did you ever draw before? A Once when I was living at Tulsa, that is, my mother drew for me.
Q Your mother was a recognized citizen? A Yes sir.
Q She is on the '80 roll? A I don't think she is.
Q Were you living with her in '80? A I was with her or her sister.
Q You were living in the Nation? A Yes sir.
Q Do you know why your name isn't on the roll? A No sir, I don't. ~~She said it was the fault of the census takers.~~
Q You were not married, were you? A No sir.

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is ~~unobscure~~ transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 29th day of April, 1904.

Simon R. Walkinghorse
Notary Public.

COMMISSIONERS
S. N. Y. DAVIS
JAM. DAVIS
T. M. B. NEEDLES
R. B. KINKADE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee 2-773.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

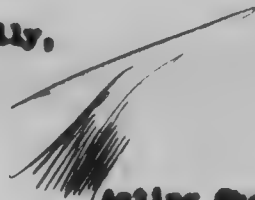
Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Sam H. Stubbs for the enrollment of herself and her two minor children, Henry H. and Georgia L. Taylor, as citizens by blood of the Cherokee nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. 2-67.

COMMISSIONER
TAMM BISHOP
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-773

Muskogee, Indian Territory, April 17, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

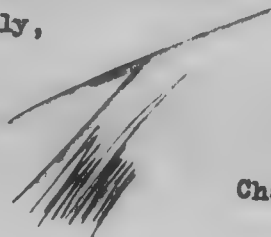
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 2, 1903, the application of Sana E. Stubbs for the enrollment of herself and family as citizens of the Cherokee Nation was remanded by the Secretary of the Interior for the taking of further testimony by this Commission.

The principal applicant and her attorney have this day been notified that any further testimony she may have to introduce tending to establish the rights of herself and family to enrollment as citizens of the Cherokee Nation may be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Respectfully,



Chairman.

GRS

Muskogee, Indian Territory, August 1, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, granting the application for the enrollment of Sama E. Stubbs and Georgia L. and Henry E. Taylor as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Encl. S-175.

Commissioner in Charge.

COMMISSIONERS:

TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

D-773.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated July 29, 1904, granting the application for the enrollment of
Sama E. Stubbs, Henry E. Taylor and Georgia L. Taylor as citizens
by blood of the Cherokee Nation, was affirmed by the Secretary of
the Interior on October 7, 1904.

Respectfully,



Chairman.

D. 773

Sam & Shubb, d r

[Handwritten signature]

Cher D 774

Cher D 774

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., November 10, 1900.

In the matter of the application of John W. Jordan for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A John W. Jordan.
Q What is your age? A I will be 57 in December.
Q What is your post-office? A I am at this time using Tulsa; part of the time Cleveland, and part of the time Muskogee; Tulsa now.
Q In what district do you live? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Claim to be.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A One-eighth.
Q For whom do you desire to make application? A Myself, wife and children.
Q What is your wife's name? A Tennessee J. Jordan.
Q Is she a citizen by blood? A Yes sir.
Q What was her name before you married her? A Riley.
Q What was her father's name? A Father Riley.
Q Is he living? A Yes sir.
Q What is her mother's name? A Polly Ann.
Q Is she living? A Yes sir.
Q What are the names of your children? A Dixie M.
Q What is her age? A 12.
Q The name of the next child? A John B.
Q How old is John B.? A 9.
Q The next child? A Daisy Lee.
Q How old is Daisy? A 4 years old.
Q The next child? A Robert O.
Q How old is Robert O.? A About eight months old.
Q Are these children alive and living with you at this time? A Yes sir.
1880 roll page 27 #745 John W. Jordan Canadian Dist
Q When were you married? A In 1882
1880 roll page 801 #1925 Tennessee Rily Tahlequah Dist.
Applicant: I don't think I am on the 1896 roll.
Q Your wife neither? A I think not.
Q Nor none of your children? A I think not.
1894 roll page 14 #18 John W. Jordan Reservator, (No district)
1894 roll page 14 #19 Tennessee Jane Jordan Reservator (No district)
1894 roll page 14 #20 Dixie M. Jordan Reservator, (No dist)
1894 roll page 14 #21 John W. Jordan Reservator (no dist)
Q Have you any proof as to the birth of these two younger children? A Yes sir. (Produces birth affidavits)
Q How long have you resided in the Cherokee Nation? A I was born here six miles east of Tahlequah.
Q Your wife also, and been living here ever since? A No sir, my wife was born in the State of Arkansas; been living here since sometime before the 1880 roll; Riley was re-admitted.
Examined by Cherokee Attorney W.W. Hastings:
Q Was your first wife Sarah P. Jordan? A Yes sir.
Q Is she living? A No sir.
Q How long have you lived at Tulsa? A Why we had residence there two weeks.
Q How long would you have got your mail at Tulsa? A 2 weeks Only within the last two weeks.
Q Where would you have got your mail prior to that time? A Most of the time at Cleveland, Oklahoma.
Q You were one of the residents in the Cherokee strip?
A I am.

Q You were there when the Strip opened October 1893? A Yes sir

Q. You are one of the Cherokees who took an allotment in the Cherokee Strip? A. Yes sir.

Q And you have lived there continually since that time. A
No sir, I have kept up a home there continually, and after that ~~exit~~
~~jurisdiction~~ country passed out of our jurisdiction I kept my home
and residence at Muskogee; my family have been there all the time,
but since that time there has never been six months that I have not
been in this country.

Q. Your home is in Oklahoma? A. One of my homes is there.

Q You voted in Oklahoma? A I have voted there.

Q You run for representative in that country? A I run for council representative.

Q In that year, 1896, wasn't it? A I believe it was.

Q You voted there then? A Yes sir.

Q You voted there two years ago? A No, I wasn't there at election, - I was at Muskogee.

Q You own your farm out there? A Yes sir.

Q You have been at Tulsa about 2 weeks? A Yes sir.

By Corair Needles:

Q Where is the family now? A They are down there four miles north of Tulsa.

I went before the Canadian Joint Commission when we were negotiating for the sale of the Strip and asked for permission to take care of my little bunch of Chiricahua that were west of the Arkansas River, and our improvements and homes.

Q You went there at that time? A Yes sir.

Q On the Striped A Yes sir, I have been there ever since 1833.

Q You went to the Strip that was sold to the Government. A Yes sir. And Mr. Sears and Ex-Governor Jerome insisted that I take for those people an allotment of 160 acres under the Dawes allotment law, and I objected; I said we were not ready to separate ourselves from the Cherokee Nation, and that we didn't want that kind of title ~~xxxxxxxxxxxxxx~~
~~xxxxxxxxxxxxxx~~ held in trust, - we wanted ~~xxx~~ to buy our land and pay for it and they agreed to give us as a purchase eight acres ahead.

Q Who agreed? A The two commissions, joint commission.

Q To give you a reservation - 1 Of eighty acres, by paying for it.

Q Nothing said at that time about your forfeiting your allotment?

A Yes, there was a point the point that started, and I objected to that; I mean people would rather throw up all the improvements and come home than to do that.

Q You agreed that this purchasing eighty acres and paying for it you didn't thereby forfeit your right to allotment. A Didn't effect our right at home, - that was the point we discussed.

Q Who received the money? A The Cherokee Treasurer, Zeke Starr.
Q They had the money and deducted out of our per capita.

When I still held my old home in Canadian District that I bought in 1873, still hold it; in the first place when the war ended we had nothing left in this country much, and I went to Texas, in the cattle business, and remained there nine years, and when I came back I applied for readmission by the National Council and I bought the farm five miles east of Muskogee, at Frozen Rock; and I took it as a home ever since; while we lived out there until the Strip was sold, I paid no attention to it, rented it out; but as soon as that land passed title I went to improving my old home with the expectation of coming back to it, and since that time there has never been six months that I haven't been on it myself, but my family ~~about~~ haven't, - my land was taxed for school, and there was good school there and I kept my children there at school.

Com'r Handley: The name of John W. Jordan appears and his wife, Tennessee Jordan, appear on the authenticated roll of 1880

also upon the pay roll of 1894, according to page and number of the rolls as indicated in the testimony; the names of his children, Dixie W., and John R., appear upon the pay roll of 1894, and he presents satisfactory proof of birth of the two children, Daisy L. and Robert O., born after the pay roll of 1894 was compiled; their names do not appear upon the census roll of 1890; the applicant applies for the enrollment of himself and his said children- they are duly identified, and satisfactory statement is made as to their residence;

Now come the Cherokee Nation, by its representatives, and protests against the enrollment of said John W. Jordan and his wife and family, because of the fact that they claim legal non-residence; by reason of said protest final judgment as to the enrollment of said applicant's family will be suspended and their names will be placed upon a doubtful card.

W. D. Green, being first duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of November 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOHN W. JORDAN, ET AL., as citizens of the Cherokee Nation; intro-
duced on part of applicants:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. The applicant this day, to-wit: the 8th day of March, 1902, appears in person and by his Attorney, N. A. Gibson, Muskogee, Indian Territory.

Attorney W. T. Hutchings, Muskogee, I. T., appears for Cherokee Nation.

JOHN W. JORDAN, the applicant, duly sworn, testified as follows in his own behalf:
BY MR. GIBSON:

- Q Your name is John W. Jordan, is it? A Yes, sir.
Q You are the applicant in this case? A Yes, sir.
Q I notice, Mr. Jordan, from the testimony taken in this case on November 10, 1900, that the name of your wife's father is given as Luther Riley; please state whether or not that is correct?
A That is not correct; Richard Riley.
Q His name should be Richard Riley? A Yes, sir; I give it as such at Claremore.
Q When did you first go to the Strip to reside? A February, '83, 1883.
Q State whether or not at that time you held any official position under the United States Government or Cherokee Nation? A Not just at that time, I didn't; I afterwards, soon afterwards.
Q What was that position? A I was commissioned as Special Agent for the Cherokee Nation in protecting the property and clearing the outlet of intruders, boomers, or stock.
Q Did you hold any other official position while there?
A I held position of Indian Police under United States Indian Agency, Deputy Marshal under Judge Parker's Court.
Q State whether or not you own a farm in the present Cherokee Nation? A I own a farm down here known as Frozen Rock, bought it in 1873 and have owned it ever since.
Q In what district is that? A Canadian.
Q What is the size of that farm? A It was four hundred acres, since the survey I can get about 220.
Q You state you have owned that continuously since 1873?
A I have kept it up.
Q What is the extent of the improvement on that place, what it consists of? A Three or four sets of buildings, fields, pastures, orchard and park grove, fence, everything in good shape for a stock farm.
Q State whether or not you have collected the rents from that farm?
A I have every year.
Q Since when? A Since I moved out there, July, '83.
Q To whom is it rented at present? A Part of it to James Davis,

and part of it to Alley Brothers.

Q State whether or not you collect the rent from them? A I did.

MR. HUTCHINGS:

Q You never lived on the place yourself since '83, have you, Mr. Jordan? A I have never been there with my family, that is to reside since 1883; I have been there a good part of the time myself.

Q Your family has ever since that time resided in Oklahoma, until about the first part of November, 1900? A Yes.

Q Your post office has always been in Oklahoma A One of my post offices, and one of them here.

Q What mail did you ever get here? A Letters, different kinds of mail; I got nearly as much mail here as I did in Cleveland.

Q You never had any residence of any kind here since then? A Not of my family; I have myself.

Q You boarded when you came here? A Stayed down on the farm.

Q Didn't you board down there? A No, sir.

Q Pay them too? A I had arrangements when I was, considered it home whenever I went there.

Q Didn't pay them any board? A No special board, I didn't.

MR. GIBSON:

Q State whether or not you ever took the oath of allegiance to the United States Government? A I did when this Court was first established here, '92.

Q Where did you take your oath of allegiance? A Over in this brick Court house in Judge Shackelford's Court.

Mr. Gibson: We offer in evidence a certified copy of the proceedings in the matter of the application of John W. Jordan for naturalization.

Commission: The document will be filed and made a part of the record.

MR. HUTCHINGS:

Q It was by virtue of that that you exercised the right of citizenship in the Territory of Oklahoma A It was not.

Q You could not have voted out there unless you became a citizen? A My natural residence there would have entitled me to vote.

Q Your residence there entitled you to vote? A Yes, sir; just the same as anybody else.

Q You considered yourself a citizen and voted for other citizens. A I claimed citizenship in both.

Q You admit then you were a resident of Oklahoma? A I was.

Q You are now? A No, sir.

Q When did you cease to be; in November? A I have no rights of citizenship there since I applied here for enrollment.

Q You found out there a man could not be a citizen of two countries? A No, sir; I didn't find it out there and haven't yet.

Q You considered yourself at that time a citizen of the Territory of Oklahoma? A I said I was a citizen there.

Q And you were a resident there at the time you made your application? A I was a political citizen there; admitted to political privilege.

ROBERT L. OWEN, being duly sworn, testified as follows on part of applicants:

MR. GIBSON:

Q State your name. A Robert L. Owen.

Q State your age, please? A 46.

Q Your residence? A Muskogee, Indian Territory.

Q Are you acquainted with John W. Jordan, the applicant in this case? A I am.

Q Since when have you known him? A Since '83 I think.
Q State whether or not you have held any official positions under the United States Government in the Indian Territory; if so, what?
A I was appointed United States Indian Agent in 1885.

Q What length of time did you serve as Indian Agent? A Nearly four years.

Q During that time state whether or not John W. Jordan held any official position under you in the Indian Service? A He was United States Indian Police.

Q State where he was stationed. A Stationed on the Cherokee outlet.

Q For what purpose was he sent to the outlet? A For the purpose of preventing intrusion on the Cherokee outlet, squatting.

Q State whether you know of any property which has been held by Mr. Jordan in the Cherokee Nation since the year 1891?

A I know of his holding the Frozen Rock farm.

MR. HUTCHINGS:

Q At what time, Colonel, did the jurisdiction of the Indian Agent of the use of Indian policemen, or rather the law of admitting Indian Policemen in Oklahoma cease? A I think at the sale of the outlet, in September, '93. ~~Mr. Jordan was appointed~~ It was opened to occupancy at that time, on September 16, '93.

Q You know of your knowledge, do you not, that Mr. Jordan was residing in Oklahoma at that time and had selected for himself and family homesteads under what is known as the Fifth Article of the Strip agreement? A I know that he selected for himself and his family eighty acres of land each under the conditions of the Cherokee agreement.

Q And was residing there was he not? A And that he did reside upon the eight acres selected by him for his homestead; at least that is my understanding, I am not quite sure whether he selected for his wife or himself, I think for himself.

Q And he was a resident of that part of the Cherokee Nation prior to the execution of the Strip Agreement, was he not?

A He had a residence there, and resided there for quite a while previous to that.

A. B. DAVIS, being duly sworn, testified as follows on part of the applicants:

MR. GIBSON:

Q What is your name? A A. B. Davis.

Q State your age and residence? A 65, residence is here in Muskogee.

Q State whether you are acquainted with John W. Jordan, the applicant in this case? A Yes, sir.

Q How long have you known him? A I have known him about 24 years, I believe.

Q State whether or not within your knowledge he has since your acquaintance owned any property in the present Cherokee Nation?

A Yes, sir.

Q Where? A Frozen Rock farm five miles east of this.

Q Have you ever occupied that farm? A Yes, sir.

Q For what length of time? A I made 11 crops on it I believe.

Q In what year did you first make a crop on this place? A I went there in '79.

Q Who was the owner of the place at that time? A Mr. Jordan as far as I know; I never heard it disputed, I rented from him.

Q To whom have you paid the rent from the time you have been on the place? A Mr. Jordan.

Q You mean the applicant, John W. Jordan? A Yes, sir.
Q How frequently during the time you have rented the place have you seen Mr. Jordan on the place? A I can't state how often, but frequently he would come down.
Q At whose house would he stay when he was visiting the place?
A When I was on the place he stayed at my house.
Q State whether or not within your knowledge he is still the owner of that place? A Yes, sir; so far as I know.

MR. HUTCHINGS:

Q He just visited the place once or twice a year? A Yes, sir; that is part of the time he did; he was down there, he has been the past several years frequently.
Q But after he got him a home there in the strip, he didn't come very often, did he? A He didn't for a while, but he was in as a deputy marshal and he could not get off very often to come then, but since then he comes three and four times a year, and oftener sometimes.
Q How long does he stay? A Well sometimes I think he is here a month, I don't know; I never kept any track when he comes or when he leaves.
Q Had no business in the country except to collect the rent off of that place? A I could not say as to that.
Q You don't know of that? A No, sir, I don't know, until here of late.
Q He has had a good deal of business back here the last year or two hasn't he? A Not particular, more than he makes it his home when he is idle he makes it his home down there.
Q The rent of that place when you rented it was just due once a year? A Yes, sir.
Q He had no occasion down here to see about that except when it was due? A He would come down in the fall and he was there in the spring too, fall and spring.
Q The rent was due in the fall? A Yes, sir.

J. A. DAVIS; being duly sworn, testified as follows on part of applicants:

MR. GIBSON:

Q What is your name? A J. A. Davis.
Q How old are you? A I am 36 years old.
Q Where do you live? A Live on Mr. Jordan's place.
Q Where is that place located with reference to Muskogee?
A East of here.
Q How long have you lived on it? A About 18 years I think; 18th or 19th crop I have started to make on it.
Q To whom have you paid rent during that time? A Paid to Mr. Jordan.
Q State how frequently Mr. Jordan has been on this place during the time you have lived on it? A It is impossible for me; he is there pretty often. Sometimes he comes and stays a month and again he would come and go away in a short time again.
Q About how many times a year has he usually been there?
A Why he has been there since I built the place that I have built for him, he has been there frequently, sometimes six or eight times a year while I was improving.
Q When did you begin the improvement? A Four years ago; I left the old place and built a new place on the lower end of the farm.

MR. HUTCHINGS:

Q He just visited at your house? A He would come there and superintend the work and tell me how he wanted it done; sometimes a week and sometimes two weeks, and again would not stay but couple of days.

Q His family was all the time in Oklahoma? A Yes, sir.

E. C. ALLEY, being duly sworn, testified as follows on part of applicants:

MR. GIBSON:

Q What is your name? A E. C. Alley.

Q State your age and residence? A 32 years old; I live here in Muskogee at the present.

Q Are you acquainted with John W. Jordan, the applicant in this case? A Yes, sir.

Q How long have you known him? A I have known him for about eight or nine years.

Q State whether or not you have ever occupied his Frozen Rock place? A I have.

Q For what length of time? A Since '96, fall of '96.

Q Are you still in possession of that place? A Yes, sir.

Q To whom have you paid the rent during that time?

A Well, we have ~~put~~ to him; some of the money, not very much.

Most of the money went to improvements on the place.

Q Mr. Alley, state how frequently since you have occupied this place Mr. Jordan has been upon the place? A Well, he is there; I suppose he is there one-fourth of his time since I have been out there. He has a room out there he keeps as his own when he is there; he had it built for himself.

Q State if you know whether or not Mr. Jordan has received his mail at the Muskogee post office during that time? A He has.

MR. HUTCHINGS:

Q What mail? A Well, there has been mail come here for him.

Q He would get letters from his family when he was here from home?

A Yes, sir, he would get letters from his family and from Colonel Owen.

Q That was when he was expected out here? A I don't know anything about that.

Q When you were to write to him and he was not here you would write to him in Oklahoma? A I never wrote to him very often; I never had any particular business but I would wait for him to be here, he was here often any way.

Q He was not here more than two or three times a year? A He has been here half dozen times a year.

Q What year was that? A Well, every year; two years ago he was here that spring and put out an orchard, he was here about two months at that time.

Q His family was back home? A Yes, sir.

Q He never had his family here that you know of? A No, sir; his family has been here with him, not to live with him.

Q Did he ever have them here at all? A Yes, sir.

Q When? A He has had them here at different times.

Q How often? A A little boy and girl has been here.

Q I mean his family, wife and all of his children; he never had them here any time did he? A No, sir.

Q He would bring a child here with him on a visit? A Well, several times he has had children here with him.

Q His children or child or two? A Well, good many of his children

Q How many children has he got? A He has three I think, maybe four, I don't know.

Q He never had any furniture down here in his house? A Yes, sir, he has got furniture here now.

Q Did he leave it here when he left? A No, sir; he got it at Turner Hardware Company.

Q When? A In the fall of 1896.

Q He didn't leave anything of that kind when he left so far as you know? A Not that I know of.

JOHN W. JORDAN, the applicant, re-called, further testified:

MR. GIBSON:

Q Mr. Jordan, state whether or not when you left your home at Frozen Rock and went to the Strip you left any of your effects in your house on the farm, and if so, what? A I left quite a lot of valuable pictures, fixtures on the walls of the rooms and everything of that kind, left them just as they were when I left there.

Q State whether or not they have remained there since? A Yes, sir, they have, most of them; some of them have been carried away by other parties.

Q State whether or not since that time you have had any furniture in the house that belonged to you? A I have.

Q What was it? A The biggest piece of furniture I put down there was a stove, cook stove, and cooking utensils.

Q When was that? A I think that was in the fall of 1896.

MR. HUTCHINGS:

Q When you left here first and left those pictures, you of course did not have any idea that there was would be any law providing for your getting a home out there in the Strip? A Not any more than I have an idea of getting a division in this country; there was nothing in view at that time that would lead one to believe that they would get a division of the land. I went there occupying the land under jurisdiction of Cooweescoowee district as public domain.

Commission: The Attorney for the applicant and representative present of the Cherokee Nation submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Jordan, for the enrollment of himself, his wife and four minor children as citizens of Cherokee Nation.

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The proof in this case shows that the claimant, John W. Jordan and his children are Cherokee Indians by blood, and that his name appears upon the 1880 roll and also on the 1894 pay roll of the Cherokee Nation.

It further shows that prior to the year 1869 he was residing upon that portion of the Cherokee Nation, known as "the strip", and which was subsequently sold to the United States, and in 1893 embraced within the territorial limits of Oklahoma.

It further shows that he was living on the strip as the representative of the Cherokee Nation, engaged in the occupation of protecting that land from intruders and that at the time of the sale of the said Cherokee Strip to the United States, the rights of John W. Jordan and his family with other Cherokees who had established homes within the strip prior to 1891 were respected, and they were allowed to select land and that pay for the land at the rate of \$1.40 per acre was deducted from the pro rata share of the strip money due the claimant and other Cherokee citizens in similar situation.

The proof further shows that the applicant John W. Jordan for himself and for his family has always retained an improved farm in Canadian District of the present Cherokee Nation, which farm is still in his possession occupied by his tenants and that he has always retained furniture and other personal effects in a room attached to the houses upon said farm which room he has always reserved for his own use, and that ever since the year 1893 when the strip became a portion of Oklahoma he has visited said farm at intervals of less than six months, continuously.

The proof further shows that the plaintiff voted, and was a candidate for office in Oklahoma during the time of his residence in that territory.

It is the contention of the Cherokee Nation in this matter that the applicant and his family should not be enrolled as citizens of the Cherokee Nation by reason of the fact that he for a number of years resided in Oklahoma and voted and ran for office in that territory.

We respectfully submit that the provisions of the Cherokee constitution relative to the forfeiture of citizenship by removal from said nation do not apply to this case. As is well known that provision is as follows:

"Whenever any citizen shall remove with his effects out of the limits of this nation and shall become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease."

This constitution was adopted on the sixth day of September 1839. Let us examine this case under the light of the provisions of the Cherokee constitution as above stated. The proof is positive that though John W. Jordan did reside in Oklahoma Territory and did exercise some of the rights of citizenship in that territory, he has never removed his effects out of the limits of the Cherokee Nation, but on the contrary has always retained valuable property and a large farm in said nation for the ultimate allotments and home of himself and the members of his family. A provision such as this of the Cherokee Constitution which is intended to work a forfeiture of the rights of citizenship of an Indian member of that tribe must be construed strictly against the nation and every condition mentioned therein must appear before the forfeiture claimed will result. In other words the citizen forfeiting his rights must not only have removed from the nation with all of his effects but he must have become a citizen of some other government. In this case we find one of the elements lacking; for though Jordan may have become a citizen of Oklahoma, it cannot be shown that he has ever

removed with his effects from out the Cherokee Nation, and consequently the conditions necessary to work a forfeiture are not present. On the other hand, the proof shows conclusively and as a matter of fact that Jordan never removed from the Cherokee Nation but that during the time while he was living within the territorial limits of the Cherokee Nation, that portion of the Nation upon which he was living was sold by the Nation and as an act of grace, he and other Cherokees were permitted to buy 80 acres each of land upon which they had made valuable improvements. This was the price at which the United States purchased the remainder of the strip, and it is plain that it was intended as a kind of equitable adjustment of the rights of such Indians who had settled upon such land and in good faith made improvements. If such an adjustment had not been made, Jordan and other similarly situated Cherokees would have ~~been~~ lost the fruit of their labor and their improvements would have been taken away from them and turned over to some settler under the homestead laws of the United States who might have selected such land when the strip was finally open to settlement. Jordan has never removed from the Cherokee Nation, but on the contrary the Cherokee Nation removed from the land upon which he was living and left Jordan in Oklahoma. We do not believe there has been such a violation of the provisions of the Cherokee Constitution as could be held to work a forfeiture in this case.

The proof further shows that John W. Jordan in the year 1891 became naturalized citizen of the United States, in the United States Court at Muskogee, under the act of May 2nd, 1890, establishing a United States Court, which act especially provides that by becoming naturalized citizens of the United States, members of the Five Civilized Tribes shall not forfeit any of their rights of citizenship or property in the Tribe to which they belong. As such a naturalized citizen of the Cherokee Nation, Jordan would of course have had a perfect right to vote in Oklahoma after having remained there

a time sufficiently long to make him a qualified voter under the laws of that territory. But regardless of this, even if it appears that Jordan voted illegally and was not a bonafide citizen of Oklahoma, that cannot cut any figure in this case, because we are not trying Jordan for illegal voting in Oklahoma, but trying him upon the question as to whether he has ever removed with his effects from out the limits of the Cherokee Nation and become a citizen of any other government. We respectfully refer the Commission to the opinion of the Honorable William A. Little, Assistant Attorney General of the United States, rendered on September 10, 1896, and which was at said time approved by the Honorable David R. Francis, Secretary of the Interior, in the matter of the right of non-resident Cherokee Freedmen to participate in the distribution of the fund awarded by the United States court of Oklahoma in which it is held non-resident Freedmen did not forfeit their rights of property in the Cherokee Nation for the reason that that section of the constitution which has been cited above, was abrogated by the act of February 8, 1887 (24 Stats 388). From the information at hand we believe that this is the last and the ruling opinion of the Interior Department, and that this Commission must be governed by this ruling in rendering its opinion in this case.

Now to take a further view of this case. It appearing that John W. Jordan is upon the roll of 1880 and also upon the roll of 1894, we believe that his rights of citizenship in the Cherokee Nation have been so confirmed and fixed that it is absolutely necessary that this Commission shall enroll him, his wife and descendants as Cherokees by blood.

The act of June 7th 1897 provides that the "words rolls of citizenship as used in the act of June 10, 1896, making appropriation for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with the various Indian tribes

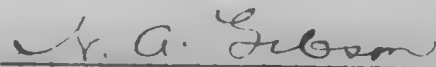
for the fiscal year ending June 30, 1897, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls".

Section 2d of the act of June 28, 1898, known as the Curtis Act, under which act this roll is being made by the Commission provides:

"That in making the rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 ~~inalia~~ not including freedmen, as the only roll intended to be confirmed by this and preceeding acts of congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon."

This certainly confirms the rights of the applicants to enrollment in the Cherokee Nation, and we submit that there can be no forfeiture of any rights which they have had. They are unquestionably citizens of the Cherokee Nation by blood, and have never ~~taken~~ done anything which can properly be construed as an abandonment or forfeiture of their rights of citizenship. They have been legal residents of the Cherokee Nation continuously and as such have retained property within said nation which fact alone is sufficient to prevent any forfeiture of citizenship no matter where they may have gone, at any time since their first settlement in the Cherokee strip. The question of residence is solely one of intent. And we believe that the very fact that the applicant has from the undisputed proof returned to his farm in the Cherokee Nation at least as often as once in every six months since the year 1893, will of itself show that he has never intended to give up his home and his citizenship in said nation.

We respectfully submit that the applicants in this case should be enrolled as citizens of the Cherokee Nation.



Attorney for applicants.

Service of a copy of the foregoing brief accepted this _____ day of March, 1902.

Attorney for the Cherokee Nation.

Department of the Interior,
Bureau of Indian Affairs,
Washington, D. C., Nov. 15, 1906.

By the order of the Commissioner of
Bureau of Indian Affairs for the enrollment of
citizens of the Cherokee Nation.

Enclosure . 774.

The undersigned, J. L. Jordan, a citizen of the
Cherokee Nation, in 1890, and was so recognized; and since that
time he has resided within the limits of the Cherokee Strip,
where he continued to reside to the present time. In
1893 the land upon which he lived, known as the Cherokee Strip,
was included within the territorial limits of Oklahoma. Prior
to this time no objection was made to the fact that he
enrolled as a citizen of the Cherokee Nation. The evidence
shows that subsequent to that time the applicant has continued
resided within the territory of Oklahoma; that in 1894 he was
elected for office in the territory of Oklahoma; and that in
his testimony he states that he became a citizen of Oklahoma with
the rights of any other citizen of that territory. He was
elected for the applicant's contents in his trial to the effect
that "he has perfect right to vote in Oklahoma and to hold
office there, and to be entitled to the same as any other
white citizen of that territory". It would seem, and
we think it is necessary to fully argue, that the applicant after
the Cherokee Strip was placed within the limits of the terri-
tory of Oklahoma, having previously taken out naturalization
papers, considered himself as a citizen of Oklahoma, and his domi-
cile and place of residence, exercised all the rights of any other
citizen, and that he regarded it as his home. There is no such
a thing as being a citizen of two governments at the same time and the
same time; and as J. L. Jordan, the applicant, he came a cit-

[illegible]

The applicant is not entitled to be enrolled under section 21 of the Curtis Bill, which provides: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship". The applicant was living in Oklahoma in 1900; he was living there in 1903; his home, wife and children, are in Oklahoma today, and there is no question but that his residence has been in Oklahoma since 1893.

The Commission should handle with care the testimony he offers in his own behalf that his home has been in Oklahoma, but even if that be true, he said he had been there only about two weeks when he made his application in 1900; and even then he admitted that his wife and children were in Oklahoma.

The applicant claims citizenship both in Oklahoma and in the Cherokee Nation because of his property in both territories. If the holding of property in the various states or territories will give citizenship then some of our railroad builders could vote in two-thirds of the states of the union. Certainly this contention needs no argument. This applicant has continuously resided in Oklahoma since 1893, voted there and ran for office; had his home there, and the place where his children were born. And we certainly contend that he is not entitled to be enrolled as a citizen of the Cherokee Nation, neither under the Cherokee law nor under the Curtis Bill, which provides that he must be a resident of the Cherokee Nation.

Respectfully submitted,

Attorneys for Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Jordan for the enrollment of himself, his wife, Tennessee J. Jordan, and his four minor children, Dixie . . . , John B., Daisy L. and Robert O. Jordan, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 10, 1900, John W. Jordan appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself, his wife, Tennessee J. Jordan, and his four minor children, Dixie . . . , John B., Daisy L. and Robert O. Jordan, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902.

The evidence in this case shows that John W. Jordan and his wife, Tennessee J. Jordan, are Cherokees by blood, and are identified on the 1880 authenticated roll of the Cherokee Nation. Upon examination of the tribal rolls of the Cherokee Nation now in possession of the Commission, it appears that the names of John W. Jordan and his wife, Tennessee J. Jordan, are found on the 1883 Cherokee census roll, the 1886 Cherokee pay roll, the 1890 Cherokee census roll, and the 1894 Cherokee Strip payment roll. The applicant Dixie W. Jordan is identified on the 1890 Cherokee census roll and the 1894 Cherokee Strip payment roll. The applicant John B. Jordan is identified on the said 1894 Strip payment roll. The two younger children, Daisy L. and Robert O. Jordan, do not appear on any of the Cherokee tribal rolls, but are duly identified by birth affidavits made part of the record herein.

The evidence further shows that John W. Jordan was born in the Cherokee Nation, and resided there during the greater part of the time until 1893, when he removed with his family to that portion of said Nation known as the "Cherokee Outlet," which was ceded to the United States in 1893 and became part of Oklahoma Territory. He and his family continued to reside in said Territory until about two weeks prior to the date of the application herein, when they returned to the Cherokee Nation as now constituted.

It further appears from the records of this Commission that the applicant Daisy L. Jordan, by the name of Daisy Lee Jordan, made application, with others, to the Commission to the Five Civilized Tribes, under the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Cherokee Nation, which application was duly acted upon by the Commission and rejected. Appeal was taken to the United States Court for the Northern District of Indian Territory, sitting at Muskogee, which court, by its judgment in the case styled Daisy Lee Jordan, et al, vs. Cherokee Nation, (No. 232), reversed said decision of the Commission, and admitted said Daisy Lee Jordan to citizenship in said Nation.

In said case the question as to whether the residence of the said Daisy L. Jordan in the Cherokee Outlet, as above described, deprived her of citizenship in the Cherokee Nation, was considered by the court, and, among other things, the court held:

"This court is of the opinion that the residence of the parties named in the Territory of Oklahoma, under the facts and circumstances set forth in the Master's report, does not deprive them of citizenship in the Cherokee Nation. They took their lands in the Outlet by virtue of the treaty between the Cherokees and the United States, and they were recognized by the treaty as Cherokees and entitled to a pro rata share of the Strip payments and the full value of the lands which they took in the Strip was deducted from their Strip money. They have not left the Cherokee Nation or removed their property out of the Nation. The Nation has simply ceded to the United States that part of its area upon which these persons were permitted to reside."

It is, therefore, the opinion of this Commission that John W. Jordan, Tennessee J. Jordan, Dixie M. Jordan, John B. Jordan, Daisy L. Jordan and Robert O. Jordan should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Sam Bixby.

Acting Chairman.

(SIGNED)

I. E. Noodles.

Commissioner.

S. E. Lorchinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this

FEB -1 1903

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th., 1903.

IN THE MATTER OF THE APPLICATION OF JOHN W. JORDAN,
ET AL., FOR ENROLLMENT AS CITIZENS OF THE CHEROKEE
NATION.

Cherokee D-774

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on February 2nd., 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with a copy of the brief filed on the part of the Cherokee Nation before the Commission, in this case.

In addition to the reasons urged in said brief why the applicants should not be enrolled as citizens of the Cherokee Nation, the attention of

the Secretary is further called to the reasoning of the Commission found in their decision admitting these applicants. Attention is called in this decision to the fact that the applicants are upon numerous rolls of the Cherokee Nation up to and including 1894. This is not contested by the Cherokee Nation. Prior to that time these people were citizens and residents of the Cherokee Nation because the Cherokee Strip was a part of the Cherokee Nation, and their names should have appeared upon the 1883 roll; upon the 1886 roll, 1890 roll, and the 1894 pay roll, because the 1894 pay roll was made at the time the Cherokee Strip was sold, or immediately thereafter, hence this is not evidence that these parties are now entitled to be enrolled as citizens of the Cherokee Nation. The attention of the Department, however, is called to the fact that the names of none of these applicants appear upon the 1896 census roll of the Cherokee Nation. At that time they were citizens and residents of the Territory of Oklahoma, and their names do not appear upon any Cherokee roll after that made in 1893, and revised and made the pay roll of 1894.

Strange to say the Commission refers to the case of Daisy L. Jordan, who applied to the Commission to the Five Civilized Tribes under the Act of June 10th., 1896, and rejected by the Commission, but appealed to the United States Court. There is a

wide difference between that case and the one before us. That case was long before the Act of Congress of date June 28th., 1898, wherein in Section 21, Congress said:

"No person shall be enrolled who
 "has not heretofore removed to and in
 "good faith settled in the Nation in
 "which he claims citizenship".

Again, the facts in the Daisy L. Jordan case were very different from the facts in this case. In that case it was not shown that she had become a citizen of the Territory of Oklahoma, whereas in this case it was shown and admitted that the principal applicant, John W. Jordan, became a citizen of the Territory of Oklahoma, voted out there, was a candidate for membership in the Territorial Legislature, and in fact exercised all the rights of citizenship of any other citizen of the Territory of Oklahoma. Hence we contend that the moment he became a citizen of the Territory of Oklahoma, he lost it in the Cherokee Nation.

Again, the Cherokee Nation is curious to know why the Commission in its decision is willing to adopt a precedent established in another case under a different state of facts by the United States Court in a citizenship case, when in the case of Jane Stille, Cherokee D. 1264, where Jane Stille and her children were rejected as citizens of the Cherokee Nation by blood by this same court upon appeal from the Commission, the Commission sets aside the judgment of the court in the Jane Stille

case and says:

"Congress has enacted additional legislation, the Act of Congress approved June 28th., 1898, directing this Commission to enroll all persons now living whose names are found on said roll and all descendants born since the date of said roll to persons whose names are found thereon".

Now in this case this same "additional legislation" was enacted by the same Congress and by the same Act, directing this Commission that---

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

Now the Commission in its decision finds:

"John W. Jordan and his family continued to reside in said Territory until about two weeks prior to the date of the application herein, when they returned to the Cherokee Nation as now constituted".

The record shows that the first application was made November 10th., 1900, hence the applicant, if the decision be correct as to the date of his return, must have returned after the 25th. day of October, 1900, or more than two years after June 28th., 1898. On June 28th., 1898 he was a resident and citizen of the Territory of Oklahoma.

The Department has held in the Joseph D. Yeargain case, Cherokee D. 937, that one must have been a resident of the Cherokee Nation on June 28th., 1898 in order to entitle him to enrollment as a citizen of the Cherokee Nation. In the Yeargain case there was no dispute but that he was

on the 1880 roll; 1883 roll; 1886 roll; 1890 roll; 1894 roll; 1896 roll, and a member of the Senate in 1897, and in addition to all that, that he owned extensive improvements in the Cherokee Nation all the time; but that since 1896 he had resided in Southwest City, Missouri, about one-fourth of a mile east of the Cherokee line. The Department held that Yeargain was not entitled to be enrolled. If he is not entitled, we cannot possibly see how the applicant John W. Jordan, who, the testimony shows and the decision admits, was a resident of the Territory of Oklahoma up to the last days of October, 1900; voted there; ran for the Territorial Legislature, was defeated, and exercised all the rights of citizenship in that Territory.

Again, suppose for the sake of argument, that John W. Jordan was admitted in 1896 by the United States Court upon appeal from the Commission; if he continued to reside in the Territory of Oklahoma until October, 1900, we contend that under this "additional legislation", the Curtis Bill; that because of his non-residence, he was not entitled to be enrolled as a citizen of the Cherokee Nation as was decided by the Department in the case of William O. Trett, Cherokee D. 390, who was admitted under the Act of June 10th., 1896, but was denied by the Commission, and this judgment was affirmed by the Secretary of the Interior because he

(6)

was not a resident of the Cherokee Nation on June 20th., 1900.

Under all of these conditions we cannot see how it can be held that the applicant, John V. Jordan, was entitled to be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

-----*W. H. Hastings*-----
Attorney for the Cherokee Nation

U. S. COMMISSIONER
HENRY L. DAWKINS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-774

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

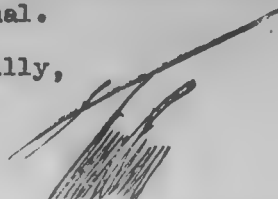
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of John W. Jordan for the enrollment of himself, his wife, Tennessee J., and his four minor children, Dixie M., John B., Daisy L. and Robert O. Jordan, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-1824

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COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEIDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-774

ALLISON I. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

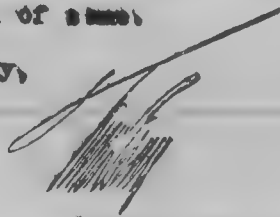
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of John W. Jordan for the enrollment of himself, his wife, Tennessee J., and his four minor children, Dixie M., John B., Daisy L. and Robert O. Jordan, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against the said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

~~Wm. H. Jordan et al~~
FOR ENROLLMENT AS
CHEROKEE CITIZENS.

~~Original testimony Nov 10 1900.~~

~~Memo of application Nov 10 1900.~~

~~Affidavit of birth Daisy L. Jordan.~~

~~Affidavit of birth Robert C. Jordan.~~

~~For original testimony~~

~~Notice of final consideration 3/8/02~~

~~Amplified copy of cert of
naturalization~~

~~Sup test & order closing test 3/8/02~~

~~Cert of naturalization & order closed
rec'd of rec'd~~

Cher D 775

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Mayfield for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Francis Marion Mayfield.
Q How old are you? A Thirty three.
Q What is your Postoffice address? A Celamah.
Q What district do you live in? A Oowessawee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q When do you want to enroll? A Myself and family.
Q What is the name of your wife? A Nancy Mayfield.
Q Is she a citizen by blood? A No sir.
Q Have you any certificate of marriage to her? A No sir; I have not. It was failed to be recorded. I have proof.
Q What was her name when you married her? A Maggarty.
Q When did you marry her? A In 1887.
Q Where? A Chouteau.
Q Is she a white person? A Yes sir.
Q What are the names and ages of your children? A John Thomas.
Q How old is he? A Twelve.
Q What is the name of the next one? A Elizabeth.
Q How old is she? A Ten.
Q What is the name of the next one? A Fred.
Q How old is he? A Eight years old.
Q Next child? A Julia.
Q How old is she? A Six years old.
Q Next one? A Frank.
Q How old is he? A Four past.
Q Next child? A Leonard.
Q How old? A About a year and a half old.
Q Any more? A No sir.
- * (1896 Roll, Page 220, #3428, Frances Mayfield, Coe. D'st)
(1896 Roll, Page 218, #3476, Nancy Mayfield, Coe. D'st)
(1896 Roll, Page 220, #3429, John T. Mayfield, Coe. D'st)
(1896 Roll, Page 220, #3430, Lizzie Mayfield, Coe. D'st)
(1896 Roll, Page 220, #3431, & Fred Mayfield, Coe. D'st)
(1896 Roll, Page 220, #3432, Julia Mayfield, Coe. D'st)
(1896 Roll, Page 220, #3433, Frank Mayfield, Coe. D'st)

The applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on citizenship at Tahlequah, on the 14th day of February, 1888, certifying that among others, one Francis M. Mayfield was admitted to Cherokee citizenship on the said date, said certificate being signed by William T. Ross, Chairman, R. C. Ross, Clerk of the Commission, approved and endorsed by Samuel Smith, Assistant Acting Secretary of the Principal Chair, under the great seal of the Cherokee Nation.

- Q Are you the identical Francis M. Mayfield mentioned in this certificate? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have been here ever since sometime in 1870.
Q Lived here before you were admitted? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q You were married in 1887? A Yes sir.
Q Who married you? A M. A. Smith.
Q Where is he? A In northern Texas somewhere.
Q Where were you married? A At Chouteau.
Q Did you get a certificate of marriage? A No sir; the law did not require us to get it.
Q Have you any proof of marriage? A I have an affidavit here, and have one witness here in the house.

Ella Bray being sworn and examined by Commissioner, T. R. Needles, testified as follows:

Q What is your name? A Ella Bray.
 Q How old are you? A Twenty four.
 Q What is your P^ostoffice? A Celamah.
 Q Do you know the applicant Francis W. Mayfield? A Yes sir.
 Q Do you know his wife? A Yes sir.
 Q Do you know whether they were married? A Yes sir.
 Q How do you know? A I saw them married.
 Q About when was that? A In 1887, I believe.
 Q Is his wife living? A Yes sir.
 Q Have they been living together as man and wife continuously since that time? A Yes sir.
 Q What relation are you to him? A I am his wife's sister.

By Mr. W. W. Hastings, Cherokee Representative:

Q Was it in the Spring or Summer that they were married?
 A It was in the Fall.
 Q What time in the Fall? A November 7th, I think it was.

Applicant recalled, and questioned by Mr. W. W. Hastings, Cherokee Rep. testified:

Q Are you positive of the exact date of your marriage to your wife?
 A I am pretty sure of it; yes sir.
 Q When was it? A The 7th of October, 1887.
 Q You think then it was not on the 7th day of September? A No sir.
 Q What is the name of your father? A Alijah Mayfield.
 Q What is the name of your mother? A She was a Bracket; That was her maiden name.
 Q Is she kin to those Brackets around Salisaw? A I do not know.
 Q ~~Do you know of any of your relatives in this country?~~
 A Yes sir; I have an uncle.
 Q Do you get your Cherokee blood through your father or your mother? A My mother.
 Q Through the Bracket side? A Yes sir.
 Q Where were you born? A In Tennessee.
 Q Was your mother's father, or her mother a Cherokee?
 A It was her mother.
 Q What was her name? A Her mother's name was to the best of my knowledge Susie Wilson.
 Q You did not know your grand mother? A No sir.
 Q Where did she live? A I can not tell you that.
 Q You were not present when you were admitted? A No sir.
 Q Was your father living when you were admitted? A Yes sir.
 Q He has since died? A Yes sir.
 Q He attended to this business? A Yes sir.
 Q Do you not know what witnesses he had there to prove your citizenship? A No sir; not exactly.
 Q Do you know any of them? A We had Ann Leach there for one.
 Q Any one else that you remember? A No sir; I do not remember.
 By Mr. Hastings: The Cherokee Nation reserves the right to open this case, if it desires, upon investigation.

By the Commission:

The name of Francis W. Mayfield appears upon the census roll of 1886, and he presents satisfactory proof of his admission to Cherokee citizenship, more particularly described in the testimony, said certificate certifying that he made application to the citizenship Commission on October 3rd, 1887: The certificate is signed on the 14th day of February, 1889: He avers that he was married to one, Nancy Haggerty, a non citizen, and makes proof of same, said marriage having been solemnized on November 7th, 1887: The names of his children, John T., Elizabeth, Fred, Julia and Frank appear upon the census roll of 1896, and he presents satisfactory proof of birth, as to his youngest child, Leonard Mayfield, whose name does not appear upon the census roll of 1896. Being fully identified, and

not appear upon the Census Roll of 1896. Being fully identified, and having made satisfactory proof of residence, the said Francis M. Mayfield and his said children will be listed for enrollment as Cherokee citizens by blood.

From the fact that the certificate of admission he presents develops that his application was filed on the third day of October, 1887, and the certificate presented is signed by the authorities of the Cherokee Nation on the 24th day of February, 1888; and that he was married on November 8th, 1887, to his wife, who was a non citizen, final judgment as to the enrollment of his wife, Nancy Mayfield, will be suspended, and he name will be placed upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. A. Brown

Subscribed and sworn to before
me this 12th day of November, 1888.

[Signature]

COMMISSIONER.

Supl.-C.D.#775.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of NANCY MAYFIELD
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of February, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 8th day of March, 1902, appears by her husband.

Mr. J. C. Starr, Cherokee Representative, present.

FRANCIS M. MAYFIELD, being duly sworn, testified as follows on part of applicant:

COMMISSION:

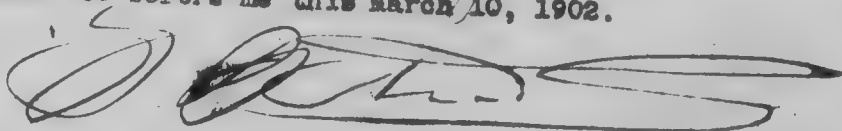
- Q What is your name? A Francis M. Mayfield.
Q What is your name? A 37 past.
Q What is your post office? A Oolagah.
Q Are you a husband of Nancy Mayfield who is an applicant for enrollment before the Commission as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any statement you desire to make relative to the application of your wife? A No, sir, none only what I have already produced.
Q You submit the case to the Commission for final consideration?
A Yes, sir.

Commission: The applicant by her husband and the Representative of the Cherokee Nation present, submit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 10, 1902.



Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 7th, 1902.

In the matter of the application of Nancy Mayfield for
the enrollment of herself as a citizen by intermarriage of the
Cherokee Nation.

Supplemental to D-775.

NANCY MAYFIELD, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your full name? A. Nancy Mayfield.
Q. How old are you? A. 33.
Q. What is your post office? A. Celagah.
Q. You are a white woman? A. Yes, sir.
Q. You are an applicant to be enrolled as a citizen by intermarriage, are you? A. Yes, sir.
Q. Give me the name of the husband through whom you claim citizenship? A. Francis M. Mayfield.
Q. Is he your present husband? A. Yes, sir.
Q. Were you ever married before? A. No, sir.
Q. Was your husband ever married before he married you?
A. No, sir.
Q. How long has your husband lived in the Cherokee Nation?
A. Ever since he was 8 or 10 years old. I don't know just exactly.
Q. When were you married? A. We was married 15 years ago.
Q. Have you been living with your husband in the Cherokee Nation ever since? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Never made your home anywhere else? A. No, never been out of the nation.
Q. Did you have a marriage certificate? A. No, sir.
Q. Who married you? A. There was a preacher married us.
Q. What is his name? A. Williams.
Q. Is he alive? A. I don't know whether he is or not.
Q. Any one here that knows that you were married? A. Not here at present. We have furnished the Commission with two witnesses.
Q. You have furnished the Commission with two witnesses?
A. Yes, sir.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported the above entitled case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this day of November, 1902.

Jesse O. Carr
B. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-775.

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In the matter of the application for the enrollment of
Nancy Mayfield as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 10, 1900, Francis M. Mayfield appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others of his wife, Nancy Mayfield, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 8, 1902, and again on October 7, 1902.

The evidence shows that the said Nancy Mayfield, a white woman, was lawfully married on October 7, 1887, to Francis M. Mayfield, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on February 14, 1889. The Cherokee Supreme Court, in the cases of the Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Nancy Mayfield is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Nancy Mayfield has lived continuously with her husband, Francis M. Mayfield, in the Cherokee Nation since her marriage in 1887, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Nancy Mayfield should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Birby

Acting Chairman.

H. D. Needles

Commissioner.

W. C. Brookings

Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 30 1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BLAIR,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-775

ALLISON L. AYER-WORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

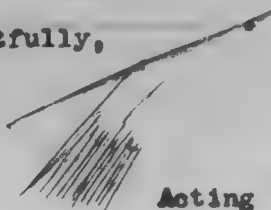
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of Francis M. Mayfield for the enrollment of his wife, Nancy Mayfield, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-6173

Nancy Mayfield

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

1. Original testimony. Nov 10-1900.

2. Memo. of application. Nov. 10 1900

3. Notice of final consideration, 3/8/02

4. Sup test & order closing out 3/8/02

[Large handwritten signature]



See Cherokee Jacket 5284

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DEPARTMENT OF THE ARMY
COMMISSIONER OF THE CIVIL SERVICE

OFFICE OF THE CHIEF CLERK

OCT 24 1900

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 24th, 1900.

In the matter of the application of John Bray for enrollment as a citizen of the Cherokee Nation; said Bray being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name, please? A John Bray.
Q How old are you? A 30 years past.
Q What is your post office? A Claremore.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll? A Just myself.
Q Are you Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Artenoch Bray.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Sarah J.
Q She is dead is she? A Yes, sir.

Applicant: My name is down on the 1880 roll with my step-father, Falling.

1880 Roll; page 752, #685, John Falling, Tahlequah.
1896 Roll; page 1138, #211, John Bray, Tahlequah.

Com'r Breckinridge:--The applicant is identified on the roll of 1880 under the name of his step-father and with his mother. He is also identified on the roll of 1896. He has lived in the Cherokee Nation all his life. He is a Cherokee by blood and he will be listed now for enrollment as a Cherokee by blood.

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J. O. Rosson being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 25th day of October, 1900.

M. M. M. M. M.

Commissioner.

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DOUBTFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 10th, 1900.

In the matter of the application of Ella Bray for enrollment as an intermarried citizen of the Cherokee nation; said Bray being sworn and examined testified as follows: Examination by Commissioner Needles:

- Q What is your name? A Ella Bray.
Q What is your age? A 24.
Q What is your post office address? A Oolagah.
Q What district do you live in? A Cooweescoowee.
Q For whom do you apply? A Myself.
Q Are you a Cherokee citizen by blood? A No, sir.
Q Cherokee citizen by intermarriage? A Yes, sir.
Q What is your husband's name? A John Bray.
Q You are not living with him? A No, sir.
1880 Roll; page 757, #685, John Falling, Tahlequah.
Q John Falling is your husband? A Yes, sir.
Q How long did you live with him? A Well, sir, I would not be positive, I think he staid with me four days.
Q He left you? A Yes, sir.
Q Never lived with you since? A No, sir.

ELIZABETH LEECH, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Elizabeth Leech.
Q How old are you? A About 43.
Q Do you know Ella Bray? A Yes, sir.
Q Do you know John Bray? A Yes, sir.
Q Do you know how long they lived together as man and wife? A Well, sir, I think about three or four days. They were living about half a mile of me.
Q Do you know the reason they separated? A No, I have no cause whatever.

BELL LESTER, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Bell Lester.
Q What is your age? A 30.
Q Your post office? A Claremore.
Q Do you know Ella Bray? A Yes, sir.
Q Do you know John Bray, her husband? A Yes, sir.
Q Do you know that they were married? A They told me that they were married.
Q They lived together as man and wife how long? A About three or four days.
Q Do you know the reason they separated? A No, sir.

Q (To the Applicant) Did you have a certificate of marriage? A Yes, sir.

Q (To the Witnesses) Neither of you know why he left? A (Each answers) "No, sir." By Bell Lester: I went over there one day and he left.

- Q They were living at your mother's place? A Yes, sir.
Q Did she continue to live at your mother's place? A She staid there a while.
Q Did John ever tell you why he left? A No, sir.

Com'r:--Applicant presents satisfactory proof of marriage certifying that Miss Ella Haggerty, a citizen of the United States, was married to John Bray, a citizen of the Cherokee Nation, on the 28th day of November, 1900.

Ella Bray--2.

28th day of November, 1895.

Q Is there any statement, Mrs. Bray, you desire to make about your separation? A No, sir, they told it just as near as I could tell it.

Q Did not you testify this morning that you offered to live with him if he would furnish you a house? A Yes, sir.

Q Did he want you to go with him? A He was Marshal of the Town and I told him that I would not live with him unless he got a house.

Q Was he a man of little means? A He was a Poor man.

Q Did not you know when you married him that he was not a man of means? A He had a house when we married, had his mother's house.

Q He furnished you a house did not he? A Yes, sir, he told me to leave the house. He told me that I could take the things and go up to his sister's to stay until he come after me and he never come.

Com'r Needles:--The name of John Bray, the husband of the applicant, appears upon the authenticated roll of 1880 as John Falling, and satisfactory proof is made as to the marriage, but because of the separation of the parties a short time after their marriage, final judgment as to the enrollment of said applicant will be suspended and her name will be placed upon a DOUBTFUL CARD.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of November, 1900.

J. O. Rosson
Commissioner.

D 776

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 24 1884

 ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHATTANOOGA, I.T., NOV/ 10th, 1900.

IN THE MATTER OF THE APPLICATION OF Ella Bray for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Ella Bray.
Q How old are you? A Twenty four.
Q What is your Postoffice? A Oolagah.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q For whom do you apply? A Myself.
Q You apply for yourself alone? A Yes sir.
Q You stated you were not a recognized citizen? A I am not: I am married, but have not been enrolled since.
Q Have you any certificate of marriage? A Yes sir.

The applicant presents a certificate of marriage, certifying that she was married to one, John Bray, a citizen of the Cherokee Nation by blood, on the 29th day of November, 1895.

- Q Have you any children? A No sir.
* (1899 Roll, Page 757, #685, John Walling, Tahlequah D'st)
Q How long did you live with John Bray? A About one week.
Q Did you leave him? A No sir; he left me.

By Mr. J. W. Hastings, Cherokee Representative:

- Q Where were you living when you were married? A Oolagah, Indian Territory.
Q And you lived with him about a week? A Yes sir.
Q When have you been living with since? A I have been living at my sister's.
Q What is her name? A Hayfield.
Q What was the cause of this separation? A I do not know; he never did tell me why he left me.
Q Were you ever married before? A No sir.
Q You have never been married since? A No sir.
Q Have you lived with your sister all the time since the separation? A No sir; I have worked out some.
Q For whom did you work? A I worked for different ones: I worked for Dave Bell; Mrs. Hayfield and Mrs. Skidmore.
Q He never came back to you any more? A He came back. We have never lived together any more.
Q You do not know where he is now do you? A No, sir.
Q Did you apply for enrollment in 1896? A I went before the Commission, the Board, and they did not enroll me because they could not find his name, Mr. Schrimsher there was one of them. At the time I did not know the reason and I did not go to Tahlequah to be enrolled.

BY THE COMMISSIONER:

- Q When your husband came back did he want you to live with him? A Yes, sir.
Q And you could not do it? A No, sir; not unless he would get a house.
Cherokee Representative: Did he live with you a week? A No, sir it was not a week.
Q Did he live with you a day? A Yes, sir.
Q Did he live with you two days? A Yes, sir.
Q How many days did he live with you? A I do not know whether he was there four or five days, at home. He left me saying he was going to get a position at Oolagah, and send for me, and he wrote that he had got a position and for me to go to his sister's, and he never did send for me.
Q Did you ever write to him? A Yes, sir; I wrote to him.
Q Try to get him to come down and live with you? A No, sir/ I did not. I did not ask him to leave.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

J. P. Crain

subscribed and sworn to before me this 12th day of November 1900.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 26th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Ella Bray
Cherokee doubtful card 776.

Appearances:

W. W. Hastings for the Cherokee Nation.
Applicant not present.

BY COM'R C. R. BRECKINRIDGE: Comes now the attorney for the Cherokee Nation and states that they have tried to get service on the applicant but that she cannot be found.

JOHN BRAY being sworn by Com'r C. R. Breckinridge, testified as follows for the Cherokee Nation.

(By Hastings)

Q What is your name? A John Bray.

Q What is your age? A 31.

Q Are you a Cherokee by blood? A Yes sir.

Q What is your post office? A Oolagah.

Q Have you ever been married? A Yes sir.

Q What was your wife's name? A Ellen Haggerty when I married her.

Q She was a white woman was she? A Yes sir.

Q Where did you marry her? A In Claremore.

Q How long did you and she live together as man and wife? A Right on to about two months; I didn't live there at home with her but two days.

Q After you married what did you do? A After I married I went up home and staid with her I guess it was 3 or 4 days and at that time they wanted me to come to Oolagah and act as City Marshal and I went there and was appointed and then I couldn't get away and I wrote to her that I would get a place and send for her and I spoke to Ed Sunday about a house; I was waiting for her to come and the first thing I knew she was trying to get her brother in law to get her bond for a divorce, and I saw him and talked with him and when he found out how it was he wouldn't go her bond. I wrote to her to come and live with me and she wrote back to me that she wouldn't live with me.

Q Where is she now? A I think she is at Fort Smith, Arkansas. I think she has been there for the last 3 or 3 years.

Q How long did you actually live with her? A 3 or 3 days.

Q You tried to get her to live with you since then? A Yes sir.

Q Wrote letters to her to come and live with you and she refused to do so? A Yes sir.

Q Did you have a home for her after you married her? A Yes sir had a home and had it furnished.

Q After you went up there to take the position of town marshal did you try to make arrangements for a home for her? A Yes sir and I wrote to her that I was trying to get a home and that when I got one I would send for her.

(By the Commission)

Q Have you a copy of the letter that you wrote? A She has the letters I wrote her.

Q Have you a copy of them? A No sir I never was in the habit of keeping a copy of the letters I wrote.

Q Didn't she offer to live with you if you would furnish her with a home? A No sir she never said anything about a home, she just wrote to me she wouldn't live with me.

Q Didn't you want her to go with you and she told you that you was Marshal of the town and that she wouldn't live with you until you got a house? A No sir.

Q When you were married what house did you live in? A My mother's house, my mother was dead and I had it in my possession, it was my house then.

Q She testified that you did live at your mothers and that when you went away to get the position as marshal you left her there and

you afterwards told her to leave the house and that she could take the things and go to your sisters and stay until you came for her and that you never came, is that a fact? A No sir I never told her that, I wrote to her that 23 days after I was appointed marshal that I couldn't come there then and that if she didn't want to stay in that house until I could get a house in Selagah she could take the things and go to my sisters, and that when I got a house I would come for her.

Q Did you ever do that? A No sir, the next thing I knew she was trying to sue me for divorce and I never did anything more.

Q Did she sue you? A No sir

Q What was the reason that you never came after her then? A Because I said she wouldn't live with me.

Q How do you know that she wanted to sue you for divorce, did she say so? A No sir but her brother in law said so.

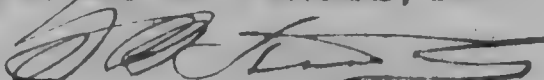
Q What was her brother in law's name? A Frank Mayfield.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes therein.

C. von Weise

Subscribed and sworn to before me this 7th of November, 1901.



Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Ella Bray for the enrollment of herself as a Cherokee citizen.

Appearances:

A.M. Callaway, Claremore, I.T., attorney for applicant,
and applicant in person;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and her attorney were notified by registered letter February 18, 1902, that the application of Ella Bray for the enrollment of herself as citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter both by the applicant and her attorney, and the applicant this day, to-wit: the 10th day of March, 1902, appears in person and by her attorney, A.M. Callaway.

BY COMMISSION OF MR. CALLAWAY: You desire to make any statement relative to this case?

ELLA BRAY, being first duly sworn and being examined testified as follows:

BY MR. CALLAWAY:

- Q State your name? A Ella Bray.
- Q Where do you live? A Oolagah, Indian Territory.
- Q What is your age? A 26.
- Q You are the Ella Bray that is the wife of John Bray? A Yes sir.
- Q Making application here for enrollment as a citizen of the Cherokee Nation by adoption? A Yes sir.
- Q Mrs. Bray, your husband states that you have lived at Fort Smith, Arkansas; if you have at any time state when and how long?
- A I have been at Fort Smith, not to live, I was there to work, my home being at Oolagah all the while; I was there I think about eight or ten months at one time that I wasn't back home, and at another time three or four months, and I have been there since back and forth in the last four months a couple of times, just have work over there; I have a place there now.
- Q What kind of work were you doing there? A Part of the time working in a restaurant and part of the time in a private family.
- Q You had to work for a living, you had no other means of support?
- A Yes sir, I have to work for my living; I have no other means of support.
- Q Your husband doesn't support you? A No sir.
- Q Your husband states that he ~~laid~~ lived with you two days once and three or four days another time; how long did he actually live with you? A After we were married, before he left home I think he stayed there about four days.
- Q Then where did he go? A To Oolagah.
- Q What was his business? A He was expecting to be elected City Marshal there.
- Q Do you know whether he was elected or not? A He was, they said he was.
- Q Then did you and him live together any length of time after that?
- A No sir, we were together after that at my sister's.
- Q How long? A He was there one night.
- Q Did he and you occupy the same bed as man and wife? A We did.
- Q That was after you had heard of this talk that he claims about your having sued for a divorce? A It was.
- Q Had you ever applied for a divorce? A I had not.

Q Never been divorced? A No sir.

BY MR. HASTINGS:

Q Never been married since? A No sir.

Q You did work at Fort Smith some did you? A Yes sir, I worked there.

BY MR. GALLAWAY: We submit the case, with permission to file brief.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant this day requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 9th, 1902.

In the matter of the application of Ella Bray for the enrollment of herself as a citizen by intermarriage of the Cherokee nation.

Appearances:

Cherokee nation appears by W. W. Hastings.
Applicant appears in person.

Supplemental to D-776.

ELLA BRAY, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Ella Bray.
Q. What is your age? A. 26.
Q. What is your post office address? A. Muskogee at the present time.
Q. How long have you been residing in Muskogee? A. 4 months.
Q. Are you an application before the commission for enrollment as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of your husband through whom you claim the right to enroll? A. John Bray.
Q. Was John Bray known by any other name? A. I have heard that he was enrolled as John Falling.
Q. Did he ever tell you that he went by that name? A. No, sir.
Q. You don't know then of your own knowledge, do you? A. Why, only just by what I heard. I know his step father. His step father enrolled him as such, I have been told.
Q. From whom did you hear that he enrolled him as John Falling?
Q. Why, I won't be sure, I wrote at the time they were taking census for the Cherokee payment--just after. I went before the commission or census takers. I couldn't enroll so I wrote to Mr.--I forget his name now. I wrote to a friend of his. I forget his name.
Q. What did he tell you? A. He was in a little town just above Claremore?
Q. Was it Oolagah? A. No, sir.
Q. What did his friend tell you? A. He just wrote me that he was enrolled on the 1880 payment or 1880 rolls as John Falling.
Q. When were you married to him? A. Married in November, 1898.
Q. How long did you know him before you married him? A. About 9 or 10 years, I guess. May be longer than that.
Q. During that time had you ever heard him spoken of as John Falling? A. No, sir; he never did go by that name that I know of only his step father enrolled him that way.
Q. Do you know why he enrolled him that way? A. The way I understood it his step father enrolled him and his sister--his sister bell--his step father enrolled them that way.
Q. What is the name of his step father? A. Why, his name is John Falling.
Q. About how old is your husband? A. He is now about 31 or 32 I guess.
Q. Was he living with his step father John Falling when this 1880 roll was made? A. I am sure I don't know. I understand that he was.
Q. When did you and your husband separate? A. It has been about six years.
Q. Have you remarried since that time? A. No, sir; I have not.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of July, 1908,

Jesse O. Carr
[Signature]
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 17th, 1902.

In the matter of the application of Ella Bray for the enrollment of herself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D-778.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

SARAH MAYFIELD, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Mayfield.
Q. What is your given name? A. Sarah.
Q. How old are you? A. 64.
Q. What is your post office address? A. Oolagah.
Q. Are you acquainted with the applicant in this case, Ella Bray?
A. Yes, sir.
Q. How long have you known her? A. Well, I have known her ever since she was a child. How old she was I can't tell you. She was just a little girl.
Q. Do you know her husband? A. Yes, sir.
Q. What is his name? A. John Bray.
Q. Was he ever known by any other name besides John Bray?
A. Not that I know of.
Q. Who was his father? A. A man by the name of Bray. I forget his given name. I knew him well. I knowed him when John Bray's mother and him was living together.
Q. Did the parents of John Bray ever separate or did John Bray's father die and his mother remarry? A. Yes, sir.
Q. Who did she marry? A. Married a man by the name of Falling.
Q. Is that the step father of John Bray? A. Yes, sir; the step father of John Bray.
Q. Do you know how old John Bray was when his mother married Falling? A. No, sir; I couldn't tell you that.
Q. Was he a man? A. No, sir.
Q. About how old is John Bray now--just about how old? A. He must be about 30, I think.
Q. Do you know how long ago it was his mother and Falling married? A. No, I couldn't tell you. It was quite a while. I know he wasn't grown yet.
Q. He was but a child? A. Well, a young man. Yes, he was a young man.
Q. Did he live with his step father and mother? A. I think he did.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18. day of July, 1902.

Jesse O. Carr
Notary Public

REPORT OF THE
COMMISSIONER OF THE
BUREAU OF LANDS
AND MINES
FOR THE YEAR 1900

[Handwritten signature]

CHIEF

1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1902.

In the matter of the application of Ella Bray for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Ella Bray.
- Q How old are you? A Twenty-seven years old.
- Q What is your postoffice? A Oolagah.
- Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A I am.
- Q What is your husband's name? A John Bray.
- Q Is he living? A Yes sir.
- Q Is he a citizen by blood of the Cherokee Nation? A Yes sir.
- Q When were you married to John Bray? A I was married to John Bray in November, '95.
- Q What day of the month do you remember? A November 28th.
- Q Were you ever married before you married John Bray? A No sir.
- Q Was he ever married before he married you? A No sir.
- Q Have you and John Bray lived together since your marriage up until the present time? A No sir, we have not.
- Q You are separated? A Yes sir, we are.
- Q When did you separate? A We separated in '95, only lived together a short time.
- Q What was the cause of the separation? A He just got up and left home and he never did say why he left.
- Q Where were you living? A At Foyil.
- Q In the town or on a farm? A We were on a farm at the time he left.
- Q On whose farm were you on? A His mother's place.
- Q Were you living with his mother? A No sir, his mother was dead; the place belonged to, -as I understood, belonged to the heirs.
- Q Was anybody living at the house where you and he lived? A Just he and myself and a girl was with me.
- Q Where did he go when he left? A He went to Oolagah.
- Q Did he tell you he was going to leave you? A He told me he was going to Oolagah, there he was expecting to be elected City Marshal, but didn't tell me he wasn't coming back.
- Q How long did you stay at the house after he left? A About three weeks.
- Q He never come back during that time? A No sir, he didn't.
- Q Did he ever send you any word? A He wrote me two or three letters during that time.
- Q He didn't indicate in those letters that he had left you for good? A No sir, he didn't.
- Q Did you ever see him after he left? A Yes sir.
- Q How long after he left before you saw him? A Three months afterwards.
- Q Where did you see him? A At Oolagah.
- Q Did you have any talk with him? A It was more than three months before I talked with him; I had a talk with him then.
- Q Did he tell you why he went off and left you? A No sir, he didn't, there was very little said about it.
- Q Did you ask him why he left? A No sir, I didn't.
- Q Had he ever since then come to you and made any explanation at all? A In our talk at the time I offered to live with him again in case he got a house and fitted it up; in case we got a house.
- Q He was to let you know? A Yes sir, he was to get the house as quick as he could.
- Q Did he ever let you know? A He didn't.
- Q And he never made any further explanation why he left so long? A No sir.
- Q And he never since then has supported you in any way? A No sir, he hasn't.

Q Have you been divorced from him since then? A No sir.

Q Has he ever applied for divorce that you know of? A No sir.

Q So you have never married since your separation from Bray? A No sir.

Q In the eyes of the law you were still his wife on the first day of September, 1900? A Yes sir.

Q And are yet? A Yes sir.

Q Mrs. Bray, did your husband ever go by any other name than Bray?

A I understand that he is on the 1880 roll as Felling, but he never did go by that name.

Q Who told you he was on the 1880 roll as Felling? A His relations all seem to know the fact and have told me; I got it through them.

Q Do you know a man by the name of Frank Mayfield? A Yes sir.

Q Where does he live? A At Oolagah.

Q What business is he in? A He is a farmer.

Q Did he live anywhere near you when you and Mr. Bray were living together? A No sir, he lived about sixteen miles from where we lived.

Q Was Frank Mayfield in the neighborhood there when you separated?

A No sir, he wasn't.

Q Does he know anything about why Bray left you? A No sir, not as I know or; he says he does not know anything.

Q Did you ever have a talk with Frank Mayfield about it? A Yes sir, we talked about it at different times.

Q What is his business? A He is a farmer.

Q How old a man is Mr. Mayfield? A Well, I really don't know, between thirty-five and forty.

Q Where have you lived since you separated from Bray? A In the territory, Oolagah has been my home ever since.

Q You have been living right in the town of Oolagah all the time? A No sir, first one place and another; that has been my home.

Q Any of your people live in Oolagah? A I have a sister there.

Q What has become of John Bray - where is he now? A Well sir, I couldn't say, I suppose he is at Oolagah.

Q How long since you heard of him? A I heard of him yesterday.

Q Do you know whether he has made an application to be enrolled or not? A Yes sir, he is enrolled I understood.

Q Do you know what name he applied to be enrolled under? A John Bray. In fact I know he was, he had to prove that he was the same man that was on the 1880 roll as John Felling; he had to prove that.

Q Have you lived in the Cherokee Nation ever since your marriage to Mr. Bray? A My home has been in the nation; I have been out three or four different times at Fort Smith.

Q How long would you stay out at a time? A About eleven months that I wasn't back home.

Q What year were you out eleven months? A I believe it was in '97.

Q What time in '97 did you go out, do you remember the year? A In the spring, possibly April.

Q And you stayed out about eleven months? A Yes sir, just about that I guess.

Q What were you doing in Fort Smith? A Working.

Q When did you come back to the Cherokee Nation? A I came back in November.

Q November the same year? A Yes sir, it wasn't eleven months; that was the month I came back and went to Claremore when the Commission was there, I don't remember the year.

Q It wasn't in '97 was it, it was in 1900? A That is right 1900.

Q Was that the first trip out after your marriage? A Yes sir.

Q And you are sure it was the year that the Commission was enrolling at Claremore? A That was the year, yes sir; it was all in the same year that I was out.

Q When you came back you went before the Commission and applied for enrollment? A Yes sir.

Q And that was in November, 1900, when you applied? A Yes sir.

Q How long had you been back when you applied? A I was only back a short time.

Q When you applied to the Commission in November, 1900, you had just gotten back to the territory? A Yes sir, had just gotten back.

Q How long have you been out? A Since April before.

Q So you went out in April, 1900, and returned about the first of November, 1900? A Yes sir.

Q Is that the first time you went out of the territory after you were married? A That was the first time I was out of the territory since I was married.

Q Where have you been since November, 1900? A I have been part of the time in Fort Smith; I have been backward and forward four different times since, Fort Smith and here; I never moved out.

Q How much of the time since 1900 have you spent in the territory?

A I spent the most of my time here since I was out those eleven months.

Q A while ago when you said you were out in '97 was that a mistake?

A That was a mistake I made in the year.

Q So you didn't go out until 1900? A Not until 1898.

Q You said you came back when the Commission was at Claremore? A That is when I came back.

Q That was in November, 1900? A That is when I came back.

Q When did you leave? A In 1898.

Q You were married in 1895 you say? A Yes sir. I made a mistake in the first part it was in 1898.

Q You were out in the year 1898? A Yes sir.

Q And you came back in the same November? A Yes sir, of the same year.

Q And then you went out in 1900 did you? A I don't remember, I have been out several times.

Q You told me a while ago that you had just gotten back when you went before the Commission to enroll? A Yes sir.

Q At Claremore? A Yes sir.

Q And that was in November, 1900? A Yes sir. I remember the mistake I made right there.

Q Now was that the first time you had ever been out? A Yes sir, that was the first time I had been out.

Q So your first trip wasn't made out in '98 or '97 either? A It was made out in 1898.

Q And you stayed from '98 in Fort Smith until 1900 when you came here to enroll, did you? A Really I have forgotten all about it.

Q You went before the Commission at Claremore to be enrolled? A Yes, it was there.

Q That was in November, 1900? A Yes.

Q How long had you been away before you went before the Commission?

A From April I was away.

Q April what year, the Commission wasn't at Claremore in 1898? A I was there in November, 1900.

Q Now you said you applied to the Commission in 1900? A Yes sir.

Q When did you go away from the territory before you applied? A In April before.

Q That would be April, 1900? A Yes sir.

Q Was that the first time you had ever gone to Fort Smith? A Yes sir.

Q Are you sure about that? A I am pretty positive about that was the first time.

Q That was two years ago? A Yes sir.

Q Now, after you made application in 1900 did you go back to Fort Smith? A Yes sir.

Q How long afterwards? A I don't remember just how long.

Q For several months? A Possibly so.

Q How long did you stay in Fort Smith that long? A I think I stayed there about two months and maybe not so long.

Q Where did you go to after you left Fort Smith? A Colagah.

Q How long did you stay at Colagah that trip? A I don't remember.

Q Were you there several weeks or a month? A Yes sir, I think so.

4-Ella Bray-

Q Then did you go back to Fort Smith again? A I believe I did, yes sir.

Q How long did you stay in Fort Smith that trip? A I think I stayed there about three months.

Q When did you come back to Oolagah? A Yes sir.

Q How long did you stay in Oolagah then? A I didn't stay very long at that time.

Q Then where did you go? A I came to Muskogee.

Q How long did you stay in Muskogee? A I was in Muskogee five or six months.

Q Where did you go from Muskogee? A Claremore from Muskogee.

Q How long did you stay there? A I stayed three or four weeks.

Q Then where did you go? A Then went to Oolagah.

Q How long did you stay in Oolagah at that time? A In Oolagah a week.

Q Where did you go from Oolagah? A To Vinita.

Q How long did you stay in Vinita? A I stayed in Vinita about five or six weeks I think.

Q Were did you go from Vinita to Fort Smith? A I went back to Oolagah.

Q Have you been in Oolagah ever since? A Yes sir.

Q So since you married Mr. Bray you made three trips to Fort Smith? A About so, yes sir.

Q And the first one you stayed about six or eight months? A Yes sir.

Q From April to November? A Yes sir.

Q Well, the second time you stayed about three months? A I think so, I don't remember the time.

Q And the third trip you stayed about two months? A Possibly the second trip about two months and the third trip about three, not a great while either time.

Q Now the balance of the time you spent in the Indian Territory have you? A Yes sir, and I was out each time and working; it is hard for me to remember, I changed around from one place to another; I can't remember all these dates.

J.C. Starr: Where were you living when this separation took place? A I was living at Foyil.

Q How far from Foyil? A It was possible two and a half miles, may be not quite so far and may be farther.

Q Who were your neighbors at that time? A Mr. John Lynch and Mrs. Katie Terrell, we call her Aunt Kata.

It is ordered that a copy of the testimony taken in the matter of the application of John Bray, No. 4868, be filed and made a part of the record in this case.

Katie Sangater, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Katie Sangater.

Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.

Q What is your postoffice? A Claremore.

Q How old are you? A Thirty-nine years old.

Q Do you know Ella Bray who is an applicant for enrollment as an intermarried citizen? A Yes sir.

Q How long have you known her? A I have known her ever since '95.

Q She is a white woman and don't claim any Cherokee blood? A No sir.

Q Do you know her husband John Bray? A Yes sir.

Q Is he a Cherokee by blood? A Yes sir.

Q Is he any relation of yours? A He is my nephew, my sister's son.

Q What was your sister's name, the mother of John Bray? A Her name at the time of her death was Sarah Jane Felling.

Q When did she die? A She died in '95.

Q Had she been married before she married Felling? A Yes sir.

Q What was her first husband's name? A Hortensius Bray.

Q When did your sister's husband Bray die? A I don't know, he has been dead a long time.

Q Did he die before the 1880 roll was made? A Yes sir, he died when John was a little thing.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of
Ella Bray as a citizen by intermarriage of the Cherokee Nation.

II II II II II II II II

DECISION.

--o:--

The record in this case shows that on November 10, 1900, Ella Bray appeared before the Commission at Claremore, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 26, 1901, and at Muskogee, Indian Territory, on March 10, 1902, July 9, 1902, July 17, 1902, and October 28, 1902.

The record of the proceedings had in the matter of the application of John Bray for enrollment as a citizen by blood of the Cherokee Nation, Cherokee Case No. 4868, is filed with and made a part of the record herein.

The evidence shows that Ella Bray was lawfully married on November 25, 1895, to John Bray, a Cherokee citizen by blood, who is identified on the Cherokee Authenticated Roll of 1880.

The evidence further shows that four or five days after said marriage, John Bray left and abandoned his said wife. The evidence further shows that, subsequent to said abandonment, Ella Bray continued to live in the Cherokee Nation, and was a resident therein on June 28, 1898. It is further shown that she has not been divorced, or had not remarried, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Ella Bray should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Lane B. B. B.

Acting Chairman.

L. B. B.

Commissioner.

L. B. B.

Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 25 1902

ATTORNEYS:

W W HASTINGS Tahlequah, I. T.
J L BAUGH Chouteau, I. T.

STENOGRAPHER:

J C STARR Vinita, I. T.

MARSHALS:

JOHN PARKS Vinita, I. T.
W. B WYLY Tahlequah, I. T.

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number D.

Vinita, Ind. Ter., Oct. 10, 1901.

Mr. Ed Sunday,

Oologah, I, T.

Dear Sir:

I wish you would see Jo'n Bray and question him ~~as~~ relative to his separation from his wife Ella; she claims in her statement that ~~ix~~ they only lived together three or four days, and that he abandoned her or went off and left her without any cause.

~~This woman Ella by the way is an intermarried white woman and if she~~
has abandoned her husband under our laws she has forfeited her rights to citizenship; we desire this mans statement relative to the matter but not knowing his ~~name-address~~ whether we could get a statement from him direct we write you to get a full statement from him about this matter, and answer us as soon as possible.

Mr. Emeret ~~Sxx~~ Starr refered us to you saying that you would know his where-a-bouts and could get a said statement.

Very respectfully,

Attys. for the Cherokee Nation.

Coal, Coal.

Sole owners, miners and shippers of
the Celebrated Red Peacock and
Black Colcagh Coal.

ALL ORDERS FILLED ON
SAME DAY OF RECEIPT.
PRICES SUBJECT TO
CHANGE WITHOUT NOTICE
TERMS STRICTLY CASH.
NO CLAIMS ALLOWED FOR
SHORTAGE AFTER
LEAVES MINE.



Purchasing Goods
and Salt handled in carload lots.
Also Farmers and Stock Growers.

Colcagh, Ind. Tel. 10/16 1901.

Mr. J. R. Rauh,
Cincinnati

Dear Sir,

In answer to your inquiry
of the 10th inst. we will say that
Jno. Kray is here. We have interviewed
him in regard to the wife & Co. but have not
got anything out of him, but he informed
us that he was going to make a written
statement against her, but did not say when.
So we are of the opinion that he would be in
favor of an application for your legal statement,
we did not see him until yesterday
and was very busy.

Ed. Sunday.

D.

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190 .

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to
.....
on the . . . day of . . . A. D. 190

Subscribed and sworn to before me
this

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Willie Brown
for enrollment as Cherokee citizens:

Case No. D. 556

To Willie Brown, Oklahoma, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Wagon, Indian Territory, on Oct. 11, 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Oct. 11, 1901

W. W. Hastings

J. L. Baugh
Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWKS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee D-776.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 15, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application of Ella Bray for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Commissioner in Charge.

Enc. H-15.

IN THE MATTER OF THE APPLICATION OF

Ella Bray

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

IN THE MATTER OF THE APPLICATION OF

Ellie Brax

FOR ENROLLMENT AS
CHEROKEE CITIZENS.

Original testimony. Nov 10 1900.

Memo of application. Nov 10 1900

Certified copy of marriage record.

Additional testimony. Nov 10 1900

Receipt for testimony.

affirmation given at 26/01

Notice of final consideration, 3/10/02

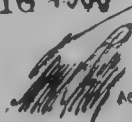
Supplemental testimony and
order closing testimony 3/10/02

[Signature]

Cher D 777

Cher D 777

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
AUG 18 1900



ACTING CHAIRMAN.

3-5-1902

This copy not ordered
filed in this case
J.C.V.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MULBROW, I. T., AUGUST 14th, 1900.

IN THE MATTER OF THE APPLICATION OF Elizabeth Berry and children, for enrollment as citizen of the Cherokee nation, and she being sworn by Commissioner, E. B. Needles, testified as follows:

Q What is your name? A Elizabeth Berry.
Q What is your age? A Fifty one.
Q What is your Postoffice? A Long.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q How much blood do you claim? A One eighth, or one fourth.
Q Whom do you apply to have enrolled? A Myself, and three children.
Q What District do you live in? A Sequoyah.
Q How long have you lived in Sequoyah? A Born and raised here.
Q Never lived any where else? A Yes sir; I lived five years in Illinois District.

Q What is your father's name? A Ross; Thomas Ross.
Q Is he living? A No sir.
Q Did he die before 1880? A Yes sir.
Q What is your mother's name? A Annie Ross.
Q Is she living? A Yes sir.
Q Is she a Cherokee citizen by blood? A I do not know.
Q Are you married? A Yes sir; me and my man are separated now, but I have no divorce.

Q What is the name of your husband? A T. W. Berry.
Q Is he a non citizen? A Yes sir, a white man.
Q You are not living with him? A No sir; not at this time.
Q Have you any children by this man? A No sir.
Q What is the name of the child you want to enrol; your children?
A One of them is my child.

Q What is its name? A Albert Seabolt.
Q How old is Albert Seabolt? A He was born in 1881; he is nine-teen years old.

Q Were you married to Mr. Seabolt, when this child was born?
A Yes sir.

Q Have you any other children? A I have two grand children.
Q Are these grand children orphans? A Yes sir; their mother is dead, and it is understood that their father is dead; I have had the children, last January, eight years ago; their mother is my daughter.

Q Their mother is dead? A Yes sir.

Q What is the name of theses children? A The oldest is Jack Green; and Ida Green; the mother of Jack Green and Ida Green was Anna Eliza Green, when she died.

Q Was she a Cherokee citizen by blood? A Yes sir.

Q What was her name in 1880? A Benge.

Q When did she died? A She died last December, eight years ago.

Q Are these children all living, and living with you? A Yes sir.

Q What is their father's name? A Robert Green.

Q Was he married to Eliza Green? A Yes sir.

Q Is he dead? A I do not know.

Q How old is Jack? A He is twelve years old.

Q How old is Ida? A Eleven years old.

(Applicant identified on the roll of 1880, Page 682, #84 Jizzie Benge Sequoyah District)

(On the roll of 1896, Page 840, #167 Lizzie Berry, Illinois District)

(Albert Seabolt identified on the roll of 1896, Page 907, #1907, Illinois District)

(Jack Green identified on the roll of 1896, Page 862, #747, Illinois District)

Ida Green identified on the roll of 1896, Page 862, #748, Illinois)

(1880 Roll, Page 602, #87, appears the name of Ann S. Benge, mother of the two last named children)

The name of Klizabeth Berry, appearing on the authenticated roll of 1880, as Lissie Benge, and upon the census roll of 1896, as Lissie Berry, she testifying that said T. W. Berry was her third husband, her first husband being William Benge, and her second husband Benjamin Seabolt, and that she had a child, Anna Lisa, who at her death was married to one, Robert Green; and the name of Anna Lisa being found on the authenticated roll of 1880, fully identified as per page and number of said Roll as indicated in the testimony; and the names of her children, Jack and Ida Green, grand children of Kliza Berry, are found on the census roll of 1896, according to page and number of said rolls as indicated in the testimony; and the name of Albert Seabolt, child of said Kliza Berry, by her husband, Benjamin Seabolt, appearing on the census roll of 1896; satisfactory evidence being produced that these children are all living and living with the said Klizabeth Berry; and that they are Cherokee citizens by blood, their mothers name appearing on the authenticated roll of 1880, as indicated in the testimony; they will all be duly listed for enrollment as citizens by blood of the Cherokee Nation.

R. R. Crayens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Crayens

Sworn to and subscribed before me
this 15th day of August, 1900.

[Signature]

COMMISSIONER.

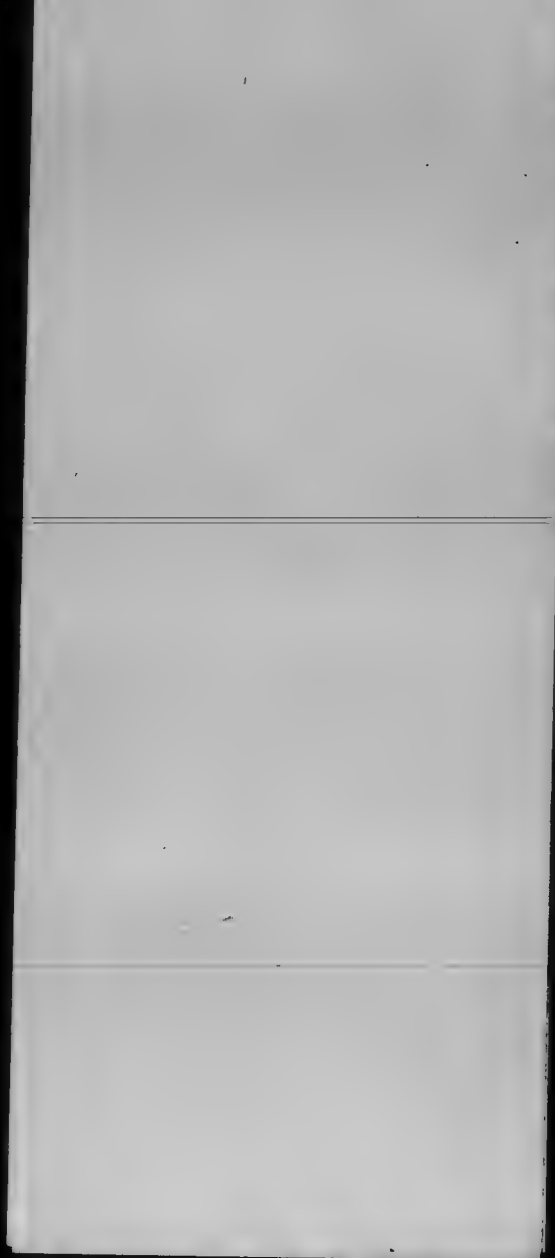
Department of the Interior.
Commission to the Five Civilized Tribes.
Oklahoma, U. S., November 12, 1900.

In the matter of the application of Thomas V. Berry, Case D-777, it is ordered that as supplementary testimony, the fact be stated that on page 239 of the official record of Sequoyah dist. ct. Booklet "A", now in the possession of the Cherokee Nation, it appears that in the case of Elizabeth Seabolt vs. Bean Seabolt, she was granted a divorce from the said Bean Seabolt; said proceedings being at the regular May term of the Circuit Court of 1895. It appears therefore that the applicant's wife was duly divorced from her second husband prior to her marriage to the applicant in July 1895, and it is ordered that copies of this statement be filed as supplementary testimony with his case.

E. G. Rothmeyer, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the supplementary testimony of this case, and that the foregoing is a true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 12th day of November, 1900.

Commissioner.



REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE,
ON THE MATTER OF THE ESTATE OF THOMAS J. BROWN, DECEASED.
FILED IN THE OFFICE OF THE COMMISSIONER, NOVEMBER 17, 1907.

In the matter of the estate of Thomas J. Brown, deceased, the following facts were ascertained by the Commissioner of the General Land Office, on November 17, 1907:

- Q. Give us your full name. A. Thomas J. Brown.
Q. How old are you? A. 55.
Q. What is your occupation? A. Farmer.
Q. Do you live in Cherokee or Seabolt district? A. Illinois district.
Q. Do you want to parcel just yourself, or yourself and family?
A. Jimmy Brown.
Q. Are you married? A. Adopted.
Q. Let me see your marriage license and certificate.
The applicant files a license issued by the Clerk of Sequoyah district and a certificate of the same thereto showing that he was married in accordance with Cherokee law by the Rev. J. J. Brennan on July 3, 1907 to Miss Elizabeth Penge. This is filed herewith.
Q. In your wife's name? A. No sir.
Q. Why do you not marry her; are you separated from her? A. Yes sir; she married herself.
Q. She's married? A. Yes sir, Cherokee by name.
Q. How old is she? A. I am, one about 50.
Q. Was she living in the Cherokee Nation all her life? A. I believe so.
Q. How long did you live with her after your marriage? A. Last September a year ago.
Q. You lived with her until September, 1907? A. Yes sir.
Q. How long a license did you have? A. No sir.
Q. Where is she living at this time? A. Long in her native land; Sequoyah district.
Q. Is she living on a farm that you and she owned when living together? A. She is living on one that she bought since we were married.
Q. What did you do with the home that you bought when you lived together? A. We sold it together.
Q. What is the nature of the separation between yourself and your wife? A. Mostly on account of the children.
Q. Did they make it uncomfortable for you and Miss Penge? A. I should think so.
Q. And you left her? A. Yes sir.
Q. They made it impossible for you and your wife to get along together? A. It was uncomfortable.
Q. You have seen nothing of her since September of last year? A. Yes, I saw her three or four different times.
Q. You have not lived with her since you separated? A. I have been there three different times where she lives now.
Q. Just calling or staying there? A. Just to call; I stay three or four days.
Q. Were you ever married except to this wife? A. No sir.
Q. She's been married before? A. Twice before.
Q. Both of her former husbands died when she married you? A. The first was dead, the second was made a divorcee from him.
Q. Have you a copy of the decree of that divorce? A. No sir.
Q. What was the name of her second husband? A. Ross Seabolt. I don't believe she has a decree of that divorce. The Cherokee authorities are very slack regarding that business.
Q. He is still living; Seabolt? A. Yes sir.
Q. What is the name of her first husband? A. Bill Penge.
Q. Did he die? A. I don't tell you.
Q. What was your wife's maiden name? A. Ross.
Q. Was married in that license Miss Elizabeth Penge; her maiden name? A. Yes sir.

Q You were married in July, 1897. A Yes sir.
 Q How long did you live with her then? A From that time to September, 1899. A Yes.
 Q How old was she when you married her? A I couldn't tell you.
 Q How old were you when you married her? A 30.
 Q Where do you now live? A Set of Vine, six miles.
 Q Why didn't you come to Sullivan and enroll? A I want to there and I have a ticket that I got there, but was too late to get enrolled. I was a when they went from there to Muldrow.
 Q You didn't have either one divorced from Ben. Seabolt or not? A He got a divorce, and I got a license from the Clerk of the Court at that time, or of the district, who issued the license within a week after she was divorced; something like that.
 Q Did you ever separate from this wife before this last separation? A No sir.
 Q Where did you leave her at? A Twelve miles on the River south of Seabolt.
 Q You left her on her own place did you? A No, the place I made myself.
 Q She has possession of that place now? A We have three places; really I think I could have possession. I collected the rent.
 Q But she is left in actual possession? A Yes, I left her there on the place.
 Q You saw the name of the separation was the children by a former marriage? A Yes, my children were always having trouble.
 Q Born of which? A The boy about 18 years old.
 Q What is his name? A Albert Seabolt.
 Q You two have trouble? A The boy and I continually.
 Q Your wife taken him with this by? A Yes sir.

1894 roll: page 812. 1894, Lizzie Renge, Sequoyah dist.
 1895 roll: page 885, 1895, Thomas V. Perry, Illinois dist.
 1896 roll: page 81, 1897, Lizzie Berry, Illinois dist.
 Q Have you lived in the Cherokee Nation ever since you married your wife in 1895? A Yes sir.

Com. Registrar Brockmire-

The applicant is a man to have been married to his wife under a Cherokee license on July 7, 1895. He is a white man. His wife is identified on the roll of 1896 as a native Cherokee, and they are identified together on the roll of 1896. He has lived in the Cherokee Nation ever since his marriage, and he and his wife lived together until September, 1899, when he left her under the circumstances stated in the testimony. It further appears that his wife was twice previously married. Her first husband being dead at the time of the present marriage, and her second husband Ben Seabolt being alive at the time of the present marriage, and according to the testimony he is still alive. No decree of divorce is presented from Ben Seabolt, and the applicant is not of the opinion that a formality of a decree was observed. For the further consideration of the evidence relating to the separation of the applicant from his wife, and also to await a copy of the decree of divorce of his wife from her second husband, if such was ever obtained, the applicant will now be listed upon a doubtful card as a Cherokee by intermarriage. The applicant was never previously married.

F. J. Rothmberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 13th day of November, 1899.

[Signature]
 Commissioner.

2117

Handwritten notes, possibly a list or index, including the word "NIC" and other illegible text.

Department of the Interior,
Comptroller of the Public Civilized Offices,
Washington, D.C., December 3, 1903.

In the matter of the application of Thomas W. Berry for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Brackinridge as testified as follows:

Q Give me your full name. A Thomas W. Berry.
Q How old are you. A 33.
Q You made application for enrollment at Claremore did you not on the 12th of November. A Yes sir.
Q You want to give some additional testimony now. A Yes sir.
Q One question that remained to be considered in your case is the character of the separation from your wife. A That's the way I understand it.
Q What have you got now to say about it. A Just like it was at that time. I didn't feel like making a living for her and a boy that was grown and him not at work and always around.
Q What did you do about it. A I lived with her as long as I could, and I quit.
Q And you haven't been back there since I suppose. A I have seen her a time or two since that, perhaps three times.

LOVE SIMPSON, being sworn and examined by Commissioner Brackinridge testified as follows:

Q Give me your full name. A Love Simpson.
Q How old are you. A If I live to see next June I will be 50.
Q What is your job-office. A Tomah.
Q How long have you lived in the Cherokee Nation. A I have been in the Cherokee Nation I reckon 25 years.
Q Do you know Mr. Berry there. A Yes sir.
Q Did you know him before he was married to his wife from whom he is separated now. A No sir.
Q Did you know him while he was married to her, living with her. A Yes sir.
Q I lived close to him three years I believe.
Q When was he married. A I don't know, I couldn't tell you what year he was married in.
Q How long did he live with his wife so far as you know, about three years. A Yes something like that.
Q Did you move in there then or did he come into your neighborhood. A I moved into his neighborhood.
Q He was living there married to this woman then. A Yes sir.
Q And you were living when the separation took place. A Yes sir, last year I was there.
Q What was your observation and understanding as a neighbor about the reasonableness of their separation. A All the understanding I had was that he is telling you; he couldn't afford to work for the family and keep up the boy and connection; they would come and stay a couple months.
Q They moved in on him pretty freely. A Yes sir.
Q Would any of them have worked. A This boy was awful neglectful and wouldn't do anything; I tried to hire him to chop cotton once and he wouldn't do it.
Q Is he does he look like he just want to live on this land. A Yes sir.
Q How old was the boy. A About 15 or 18 I guess.
Q Plenty able to work was he. A Yes sir.
Q When Berry left his wife do you know anything about the conditions under which he left and what he said; was he willing to stay with her if they wouldn't impose on him so much. A I heard him say if she would leave that boy off he would stay with her and make a living.

Q Did he say he would come back whenever he got rid of the boys?
A No, not that I know of.

By Cherokee Rep'lve W.W. Hastings:

Q Did he leave her? A Yes sir.
Q Where did he go to, how far away from here? A Why he went about 5 miles away, maybe 6.
Q How long have they been separated? A They have been so separated this fall is right close to a year now.
Q All you know is what he has told you about it? A Yes, that's all I know, what he told me and what I seen about the boy; he lived close and I see the boy was able to be at work and wasn't at work.
Q How many children had this woman by her former husband? A She just had the one.
Q And that one boy was the ~~only~~ trouble? A That one boy was the ~~only~~ trouble that I know anything about.
Q And this boy was very nearly grown? A Yes sir.
Q And because this boy was not a working boy ~~xxxxxxxxxx~~ that was the cause of the separation? A That was the cause of it I guess.

Q Do you know of any other trouble they had other than this?
A No I don't.
Q This man though went away from the place where they were living?
A Yes sir.

By Com'r Breckinridge:

Q This man ever married or taken up with any other woman since he went away from there? A No sir.
Q Never heard of anything of that sort? A No sir.
Q Been no divorce proceedings between them? A No sir.

By Cherokee Rep'lve Hastings:

Q Is the ~~man~~ woman older than he is? A Yes sir.
Q About how much? A I declare, right smart, I don't know exactly how much.
Q Is she beyond fifty? A She is somewhere near that I expect.

By Com'r Breckinridge:

Q What sort of condition did this man Berry leave the place in, did he leave it in good shape, had he added any improvements there?
A Oh yes, all the improvements there was he made it himself.
Q He just took the land unimproved didn't he? A Yes sir.
Q And he had very considerable results of his work and industry there? A Yes sir.
Q And did he leave all that in her care and keeping? A Yes sir, she was there in charge ~~xxxxxx~~ of it all.
Q Did he leave the stock with her? A He took some hogs with him most of the stock she got it.
Q Did she get all that stock through him? A I don't know, I couldn't say.

By Cherokee Rep'lve Hastings:

Q What is her post-office address? A Sallisaw I guess.
Applicant: Her post-office is Long.

By Com'r Breckinridge:

Q Did his wife have more than one child when he married her?
A Oh yes she had several children, some grown and married off.
Q Were they around about the place much? A They would-sometimes they would come to visit and stay a week or so and maybe 2 weeks maybe longer.

APPLICANT RECALLED:

By Com'r Breckinridge:

Q What have you done towards the support of your wife since you left her? A Have 't done anything only paying her rent on the piece of land that I was cultivating.
Q Just as any other tenant would pay it? A Yes sir.

Berry 3

Q But you haven't sent her any money except rent money? A No sir, I never give her over a half dollar since we separated.

Q What did you leave her in the way of stock? A There was twenty head of cattle and a horse and about 22 head of hogs, most of them good ones, too and I give her half of the corn I raised.

Q Did that stock get there through your exertions? A There was part of it I had bought when it was young stock, with money that was hers and ~~which~~ taken care of the stock, wintered them and looked after them, you might say, raised them.

Q Her money had bought them and you did the looking after them?

A Yes sir, that's correct.

Com'r Brockington: This testimony will be filed in the application of Thomas W. Berry, card D 777.

H. B. Green, being first duly sworn, attests that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. B. Green

Subscribed and sworn to before me this December 4, 1890.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of THOMAS W. BERRY as a citizen of the Cherokee Nation; introduced on part of the Cherokee Nation:

Appearances:

I. P. Bledsoe, Chouteau, I.T., Agent for Applicant;
W. W. Hastings, Cherokee Representative.

ELIZABETH BERRY, being duly sworn, testified as follows
on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Elizabeth Berry.
Q What is your age, Mrs. Berry? A 53.
Q Are you a Cherokee by blood? A Yes, sir.
Q What was your maiden name? A Ross.
Q Elizabeth Ross? A Yes, sir.
Q What was your first husband's name? A William Bengé.
Q Did you live with Bengé until he died? A Yes, sir.
Q What was your second husband's name? A Bean Seabolt.
Q You and he were divorced? A Yes, sir.
Q What was your third husband's name? A Thomas W.
Q About what year did you marry him? A Well, about '95, as well as I can remember.
Q Next year after the strip payment? A Yes, sir.
Q You had had some children by previous marriages? A Yes, sir, one, yes, I had older children, but only one with me living.
Q Where did you and Mr. Berry live after you married? A It was in Illinois district down there on the river, bottom.
Q Whose place was it? A It was my place.
Q Any of your strip money go into it? A Yes, sir.
Q About how long did you live with him? A Five years and about two months.
Q Did you separate then? A Yes, sir; he left me there.
Q Did he leave you? A Yes, sir.
Q Did he leave you on the place there? A Yes, sir; he left me on the place.
Q Where did he go? A He went about ten mile above there in the bottom, called Sandtown bottom, near Vian.
Q What did he afterwards do with reference to your place you had?
A He rented the place.
Q Rented it out from under you? A Yes, sir.
Q Send the renter down there to take charge? A The renter was right there in half a mile, took possession and he told me he had rented the place.
Q You had to give it up for him? A Yes, sir.
Q You did give it up? A Yes, sir.
Q Now, you claim that he left you, Mrs. Berry? A Yes, sir; he left me.
Q Has he ever provided for you any since? A No, sir.
Q Has he ever offered to provide for you any since? A No, sir.
Q Never give you anything at all? A No, sir.
Q Has he ever tried to get you to live with him since?
A No, sir.

Q Has he ever come about you since? A Yes, sir; he has been up to where I live three or four times.
Q Never asked you to live with him any more? A No, sir.
Q No divorce granted? A No, sir.
Q Now, Mrs. Berry, you claim he left you? A Yes, sir.
Q Left you on the place where you were living? A Left me right on the place.
Q Did you get any proceeds from that place after that? A No, sir.
Q Got no rents after that? A No, sir.
Q Did you have any children by this man? A No, sir.
Q I suppose all your strip money was gone when he quit you?
A All gone and old settler money too.
Q Did you draw old settler money? A Yes, sir.
Q How much? A \$178.
Q And it was all gone too? A Yes, sir.
Q Did part of that go into improving that farm? A No, sir.
Q But part of your strip money did? A Yes, sir.

MR. BLEDSOE:

Q Mrs. Berry, you claim that you and Mr. Berry parted, separated, what was the cause of that separation? A Nothing more than he didn't like my child; he seemed to have a hatred towards it.
Q There was no ill feeling between you and him? A No, sir; only little family dispute over the child.
Q Would that boy work, would he work and try to make a living?
A He worked so far as he was able.
Q How old was that boy? A He was 12 years old when we married.
Q And you all lived together for five years, got along all right for five years and then he left you on account of the disagreeable nature of this boy? A It was not disagreeableness of the boy, he was sick.
Q Did Mr. Berry work, did he do anything during that five years he lived with you? A Yes, sir.
Q He was a good worker? A Yes, sir.
Q Good provider? A Yes, sir.
Q He was good to you? A Yes, sir, as I would wish to have.
Q What did he do with that stuff he had, did he drink and gamble it off; or did he put it in the place? A No, sir; he didn't gamble.
Q How many places did you have and him when he left you?
A There was two places, but one place, he had nothing to do with it.
Q Wasn't there three places? A No, sir, there was just two places. There was one place he had nothing to do with I bought for my boy, and he is now in possession of it holding it too.
Q Your boy is? A Yes, sir; - no, he is, Berry.
Q Well, how many places did you have when Mr. Berry married you?
A I had only one.
Q How much was in that place? A I don't know.
Q Well, about how much, five, ten, fifteen, 20 acres, or 100 acres?
A I don't know.
Q Was it a little patch, or big patch? A It was about 25 acres in cultivation.
Q Now how much was in that place when Mr. Berry left you?
(No response.)
Q How many acres in cultivation? A The place I was on?
Q Yes. A Wasn't more than 25.
Q He didn't built any improvements? A No, sir.
Q Didn't built any house or anything? A No, sir.
Q How many acres was in your place the other place?
A It was a small place, was not more than 10 acres in cultivation.

Q How many acres in the place you lived on? A That is what I just answered, wasn't about 25 acres; the other place was not more than ten acres in cultivation.

Q Now, where did this labor that he performed, where did it go?
A I could not tell you.

Q How many cattle did you have when he married you? A I disremember.

Q Was any other cattle added to the place? A No, sir.

Q Any more horses then when you married? A No, sir.

Q You are not divorced? A No, sir.

Q You are still his wife under the law? A Yes, sir.

Q And he provided well for you all the time? A Yes, sir, he provided.

MR. HASTINGS:

Q Mrs. Berry, has your husband, Thomas W. Berry, been trying to get you to sign any bills of sale of this property since you separated? A Yes, sir.

Q Sale of these places? A Yes, sir, he tried to get me to sign a bill of sale to that place where he left me on, and I would not sign it.

BLEDSOE:

Q He left you all this property and went off himself? A No, sir, he taken all that belonged to him.

Q What did he take? A He taken cattle.

Q How many cattle did he take? A I disremember how many; he took all he had any claim on.

Q He left you some? A Yes, sir.

MR. HASTINGS:

Q Did you have any cattle before you married? A Yes, sir.

Q What cattle did he leave you, did he leave you the cattle you had and their increase? A Partly.

Q You say he took everything he had any claim to? A Yes, sir.

MR. BLEDSOE:

Q Did he ever tell you, Mrs. Berry, that if you would let this boy get off from him, that he would live with you and support you?
A No, sir.

Commission: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902.

On said date the applicant appeared by his Agent, I. P. Bledsoe, and by agreement the case was continued until the 19th day of March, 1902. The Cherokee Nation this day, to-wit: the 11th day of March, 1902, introduces further testimony against the applicant. The applicant is present by his Agent.

The Agent for the applicant and representative of the Cherokee Nation present and by agreement submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas W. Berry for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 12, 1900, Thomas W. Berry appeared before the Commission at Claremore, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 3, 1900, and at Muskogee, Indian Territory, on March 11, 1902.

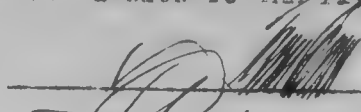
The evidence shows that the said Thomas W. Berry was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 3, 1895, to Elizabeth Benge, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about five years and then abandoned her. He is identified on the Cherokee Census roll of 1896.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." Section 667, of the Compiled Laws of the Cherokee Nation (1892) is, as follows:


"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Thomas W. Berry as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

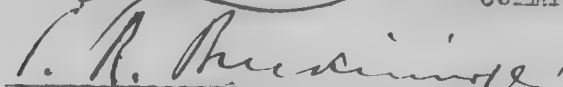
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this 11 1902

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

7776 d No. F. D.

Muskegee, I. T. March, 5, 1902.

Mr. Wash Starr,

Sallisaw, I. T.

Dear Sir:-

Enclosed herewith find subpoena, which please go at once, and serve on Elizabeth Berry, whose post-office is Long, I. T. Serve subpoena by delivering her a copy, and tell her to be at Muskegee, I. T. on March, 10, as we want her to testify in a case before the Lower Commission, and to want her to be sure to be here. Send you bill with your copy of the subpoena which you return to us stating how you served it, and we will send you pay for the work. Elizabeth Berry married a man by the name of Thomas W. Berry: her maiden name was Ross; she had been married before to a man by the name of Seabolt, so I guess you will have no trouble in locating her.

Yours very truly,

MARSHAL'S RETURN.

INDIAN TERRITORY, }

Cherokee Nation. }

SS.

I HEREBY CERTIFY That I received the within summons on the 8th day

of March 5 P.M. 1901, and that I served the same by copy, as follows:

Personally on Elizabeth Berry Long this 10 day of March 1901

Personally on _____ at _____ this _____ day of _____ 1901

Personally on _____ at _____ this _____ day of _____ 1901

At residence of _____ at _____ this _____ day of _____ 1901

At residence of _____ at _____ this _____ day of _____ 1901

At residence of _____ at _____ this _____ day of _____ 1901

With a member of witness's family over fifteen years of age there residing

Wash. Starr

Marshal for the Cherokee Nation.

620777

SUBPOENA.

INDIAN TERRITORY, {

Cherokee Nation.

TO THE MARSHAL FOR THE CHEROKEE NATION.

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons.....

Elizabeth Berry, Long, I. T.

to be and appear before the United States Commission at Muskogee, I. T.,

in District on the 10th day of

March 1902 then and there to give evidence in such contested citizenship cases

as the Attorneys for the Cherokee Nation may desire.

Given from under My hand this 5th, March, 1902

H. W. Hastings

Attorneys for the Cherokee Nation.

ATTORNEYS

...OFFICE OF...

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. -

Muskogee, I. T. March, 10, 1902.

C. D. 777

Mr. W. T. Moss,

Vian, I. T.

Dear Sir:-

Please serve the enclosed notice on Thomas W. Berry, and
swear to your return.

Yours very truly,

ATTORNEYS

OFFICE OF

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Muskogee, I. T. March, 10, 1902.

C. D. 777

Mr. Wash

Sallisaw, I. T.

Dear Brother:-

Enclosed herewith find subpoena, which go at once and serve on Elizabeth Berry, who's post-office is Long, I. T. . This case is set for the 19th, and we want it served promptly, so that we may know whether she is coming or not. Tell her to be sure and be here on the 19th. This is the case that I wrote you about the other day. She did not come when the case was set before, and we want her this time without fail. Serve this subpoena by delivering a copy, and send back to us, and we will pay you for your trouble.

Yours very truly,

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDES
C. R. BRECKINRIDGE

ALLISON L. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cher. D 777.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Thomas W. Berry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

Enc. C. No. 96.

COMMISSIONERS
HENRY L. DAWES
TAMM HIXBY
THOMAS B. NEPPLS
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

LETTERS IN RELY TO THE FOLLOWING

Cherokee D 777.

ALLISON L. AYLSWORTH
SECRETARY

MAJORS, N. C. THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Thomas W. Berry for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Thomas W. Berry
Acting Chairman.

D 777

IN THE MATTER OF THE APPLICATION OF

Thomas W. Berry

FOR ENROLLMENT AS

CCHENOKEN TENC

MAR 10 1902

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2. 11. 11

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Thomas W Berry
FOR ENROLLMENT AS
CHEROKEE CITIZENS.

- 1. Original testimony. Nov 12-1900
- 1. Mem. of application. Nov 12 1900
- 1. Supplemental testimony. Nov 12 1900
- 1. Marriage license and certificate.
- 1. Supplemental testimony. Dec 3-1900

1. Notice of final consideration, 3/10/02

1. Notice served by C. S.

1. Receipt for testimony.

Referred by J. P. Bledsoe.

1. Sup test & order closing test 3/10/02

1. Unclaimed reg letter

Transferred to R-694

Cher D 778

2778

11-28

11-28

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., November 12, 1900

In the matter of the application of David Weaver for the
recognition of himself as a Cherokee by intermarriage and his wife and chil-
dren as Cherokees by blood; being sworn and examined by Commissioner
Anglin, testified as follows:

Q Not in your name? A David Weaver.

Q Not 19 years ago? A 52.

to your post office account. A Tulsa.

Q Where did you live in? A 2007-2008 2009.

Are you a recognized citizen of the Cherokee nation? A I have
been, yes, sir.

Q By intermarriage or blood? A By inter marriage.

Q Who do you desire to enroll, yourself with the club? A Yes, sir

What in the name of your wife? A Johnnie Brown.

Q. Now, when you married to her, have you got a special plan in mind? A. I have a United States license.

1. The following information is being furnished to you for your information and is not to be used for any other purpose. It is the property of the FBI and is loaned to you. It is to be returned to the FBI when requested. It is not to be distributed outside your agency. It is not to be used in any legal proceeding. It is not to be used in any way that would reflect unfavorably on the FBI or the Department of Justice. It is not to be used in any way that would reflect unfavorably on the President of the United States.

10/22 A. Yes, adj.

$\frac{1}{n} \sum_{j=1}^n x_j = \bar{x}$

to be in it. A T. never's at any, it's on record, and I can
tell it on record, it was a T. never's; that is the reason I
didn't at any.

Q. Why were you interested by the United States citizens? A. At that time I got to know and to understand that was how I was living with Tom Bennett, and he said I ain't a n- to get into the country. I said it was for me, and I would have a job.

Q. Now you have got to prove that it is necessary and ought to be considered a crime? A. Well I can put my petition before the jury and let them decide. "The sheriff" of this county is Joe Bennett and some of others went on my petition, and the doctor said he is sane.

... to the ... of the ... Nation

When you write a letter to the laws of the United States Court?

"I'd lost the license & power I needed as director to do my job."

Q Now were you requested under the subpoena law? A I got my li-
cence from L. J. Thornton in 1981.

In 1960? A year or so after I came to the States, I got the
the 10% gas on the road with all the rest of it.

0 709 581 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120 1121 1122 1123 1124 1125 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1159 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171 1172 1173 1174 1175 1176 1177 1178 1179 1180 1181 1182 1183 1184

Donnie Weaver, born [redacted] Texas; listed as "organist" -
- also, testified as follows:

35 733 JOHN BATHURST 1897 3 413 0 0000.

130127 A Y.

1900.

... : : living? ...

What is your age? 40 to the best of my knowledge. I am 40.

Q But how the names of your children? A Baby Wrenner is the
-oldest one.

Q How old is Mary? A She is 13 days old the last of April.

Q The name of your next child? A Joseph Weaver, he was 10 months old the 10th of this month.

Q Just two children? A Yes, sir.

David Weaver - 8.

David Weaver recalled, testified:

Q Is Jennie your first wife? A Yes, sir.

Q Are you her first husband?

Jennie Wagner m. 1884. 11-12-1884

Mr. Wagoner, 1000 ... 1000 ... A No. 612.

Q You are not a doctor, are you?

May 1 - 1919

Q How long have you been married?
A 10 years.

Q Living with him? A Yes, yes.

DATE: 11/14/2011

been living with you for a long time? Have you ever lived with this man?

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Q. How long do you live, Mr. A? A. I live about 6 years, but I have heard.

Q You had no conversation with him at all? A Yes, sir.

Q Did you live there? A Lived near home, near Clarence, around

Q. How many children by him? A. Yes, sir.

Q. Now, in the series: In your name or the roll of 140? A. I

Q. Now, things: Did you have a brother named John Burgess? A. Yes, sir.

Q. And that's all that you know? A. Yes, sir.

Q Yes, sir. Did you see William McGowan? A Yes, sir.

Q Did you find the 1934 Buick Wildcat in the car? A Yes, sir.

my father said it was more important to be a good person.

... ..,,

Q. Now, Mr. Ives, I do not know whether you have seen the roll of 1866, do you know?

(Jan. 1950) 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630,

Exhibit 100, continued:

Q: Now you are an adviser to John Burgess?

A. 100. 11. 1.

2. What is the purpose of the A-100, etc.

Q Now, you, you heard? A I don't know, on Grand River I suppose.

Q Have you always lived in the Cherokee Nation? A Yes, sir.

Q Ever live anywhere else? A I always lived here.

Mr. Hastings: Did you ever live in the Creek Nation? A. I lived
t here about a month, backwards and forwards, but I never had any home
or anything like that.

Commissioner Goodell: Your father and mother Cherokee? Yes, sir.

J. C. Scribner, being sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A J. G. Scrippsner.

Q Do you know this woman here, Jennie Weaver, used to be Jennie Burgess? A Yes, sir.

Q Do you know her to be a citizen of the Cherokee Nation? A She was always, I believe, recognized; the Purgees were recognized as citizens.

Q Do you know if they have the same blood? A No, I don't know that only what I have heard, but they have been recognized here.

David Weaver - 3.

Q Always been recognized? A Yes, sir.

Q Do you know any reason why their name is not on the roll of 1890?

A No, sir, I do not.

Jennie Weaver, recalled, testified:

Commissioner Hamilton: Do you know any reason why your name is not on the roll of 1890? A No, sir, I can't say, my father said it was on.

Q Have you always drawn strip money? A Yes, sir, I have drawn money ever since I have been big enough to draw it.

Q Did you draw money in 1894 in Coosawadee district? A Yes, sir (Jennie Weaver on 1894 roll, page 333, No. 4631, Jennie Weaver, Coosawadee district.)

Q You didn't draw for Baby, did you, in 1894? A No, sir.

David Weaver, recalled:

Q Do you know why you and your children were not enrolled in 1896?

A No, sir, I can't say why we were not enrolled.

Commissioner Hamilton: The name of Jennie Weaver appears upon the census roll of 1896 as Jennie Weaver. Her name does not appear upon the authenticated roll of 1890, although the name of her full brother is upon said roll. She makes satisfactory proof of being always recognized as a Cherokee citizen and as to her residence. She avers that she was married to one David Weaver, the applicant, in the year 1890, and presents a marriage license and certificate issued by the authorities of the United States, but no proof of marriage according to the laws of the Cherokee Nation is presented. She avers that she has two children by said David Weaver, her present husband, Baby, 5 years old, and Joseph, 10 months old, and whose names do not appear upon the census roll of 1896. Neither does the name of her husband, David Weaver, appear upon the census roll of 1896. They being duly identified, and having made satisfactory proof as to their residence, said Jennie Weaver, nee Burgess, will be duly listed for enrollment as a Cherokee citizen by blood. The name of her children, Baby and Joseph, will also be duly listed upon her filing with this Commission satisfactory proof of the birth of said children.

The name of David Weaver does not appear upon the census roll of 1896. He presents proof of his marriage to Jennie Burgess in 1890 according to the laws of the United States. The testimony also shows that his wife, Jennie, lived with another man named Jim Coubert about nine years as man and wife, but they were never married. From the fact that said Jennie Burgess lived with said Coubert for nine years as man and wife, and from the further fact that no satisfactory proof of marriage according to the Cherokee law has been presented, final judgment as to the enrollment of said David Weaver will be suspended and his name will be placed upon a doubtful card.

James C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

James C. Jones

Sworn to and subscribed before me this 15th of November, 1900.

[Signature]

Commissioner.

R

D- 778, Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
David Weaver for the enrollment of himself as a citizen of the
Cherokee Nation.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 18, 1902, that his application for the enrollment of
himself as a citizen of the Cherokee Nation would be taken up
for final consideration by the Commission at its offices in
Muskogee, Indian Territory, on the 10th day of March, 1902.
And that on said date he might appear before the Commission
either in person or by attorney when an opportunity would be
given him to introduce any additional testimony affecting
his application.

He was also requested to supply the Commission with
evidence of his marriage in accordance with the laws of the
Cherokee Nation.

Applicant having this day, to-wit: the 10th day of
March, 1902, been called and failing to respond either in
person or by attorney, it is considered that the testimony
in the case is completed, and same is ordered reported to the
Commission for final decision based upon the evidence now
of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

CAB

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David Weaver for his enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

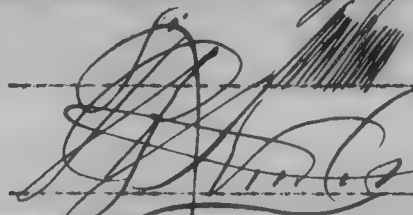
The record in this case shows that on November 17, 1900, David Weaver appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said David Weaver was married under a marriage license issued by the Clerk of the United States Court in the Indian Territory for the Northern District to Jennie Burgess, a citizen by blood of the Cherokee Nation. The evidence fails to establish that the applicant was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation.

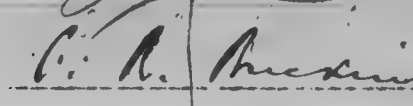
Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the application of David Weaver for his enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.


THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I. T.
this _____ 1902

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 778. |

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of David Weaver for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 86.

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 778.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of David Weaver for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

David Weaver
FOR ENROLLMENT AS 778
CHEROKEE CITIZENS.

1. Original testimony Nov 12-1900

2. Memo. of application Nov 12-1900

3. Marriage license and certificate

4. Notice of final consideration 3/10/02

5. Order closing testimony 3/10/02

D

Transferred to R-695

See Cherokee Jacket #5316

Cher D 779

Cher D 779

COMM. OF THE HOUSE
ON THE
NOV 11 1900

[Handwritten signature]
A. T. J. CHAMBERLAIN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. November 12th, 1900.

IN THE MATTER OF THE APPLICATION OF LOUIS BRUERE FOR THE ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN.

The said Louis Bruere, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Louis Bruere.

Q How old are you? A I am thirty-seven.

Q What is your post office address? A Catoosa.

Q What district do you live in? A Cooweescoowee.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q By blood A No, sir.

Q By intermarriage? A Yes, sir.

Q Who do you want to enroll? A Myself and family.

Q What is the name of your wife? A Lydia D Bruere.

Q How old is she? A Her age is twenty-nine. She was born in February, 1871.

THE COMMISSIONER: The applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Lydia Downing, a citizen of the Cherokee Nation, according to the laws of the Cherokee Nation, on the 5th day of February, 1887.

Q What is your wife's father's name? A Will Downing.

Q Is he living? A No, sir; he has got killed.

Q Then he is dead. What is her mother's name? A Her maiden name?

Q No, her given name. A Susie Josephine Downing.

Q Is she living now? A No, sir.

Q What are the names of your children? A Mattie Louisa Sophia ~~Downing~~ Bruere.

Q How old is she? A She will be ten years old the 17th of this month.

Q Any more children? A Yes, sir. Charlie Albert Bruere.

Q How old is he? A Six years old.

Q The next? A Susie Josephine Bruere, born in 1896.

Q Four years old? A Yes, sir.

Q The next? A Louis Victor Bruere, born July 5th, 1898.

Q What is the name of the next one? A Clarinda Bruere.

Q How old is Clarinda? A She was born July 1900.

Q Five children? A Yes, sir.

Q Your wife has not been enrolled yet has she? A Yes, sir; she has been here this morning, I believe.

Q Why didn't she enroll you? A I don't know; she was looking for me, and didn't think I was coming. She didn't have the papers with her, I reckon was the reason she did not.

Q Did she enroll the children? A Yes, she said she did.

Q Then, you just apply for the enrollment of yourself? A Yes, sir; if she didn't enroll me.

Q She didn't enroll you. Is Lydia Downing your first wife? A Yes, sir.

Q Are you her first husband? A Yes, sir.

Q Have you been living together since you married her? A Yes, sir.

Q Living with her now? A Well, she has got a mad spell right at present, but this is not the first time.

Q So you and he are not living together now? A I am at home and she is staying with her sister.

Q How long have you been living together? A We got married in 1888.

Q When was it you separated? A About three weeks ago I

Louis Bruere--2.

guess.

Q Did she leave you or did you leave her? A She left me.

Q Where is she? A She is here in town, or was a while ago.

EXAMINATION BY Mr. W. W. Hastings: (Representative of Cherokee Nation)

Q How long have you been separated from your wife? A About three weeks, I believe.

Q How long have you lived with her since 1888? A We got married in February, 1888.

Q Were you ever separated before? A Why, once or twice, maybe, for a week or two.

Q You had family difficulties? A Yes, sir.

Q How long did you remain separated the first time? A About two weeks.

Q How long did you remain separated again the next time? A About three weeks, I believe.

Q Were you ever separated more than twice up to this time, since 1888? A No, this is the second time.

Q What did you separate about this last time? A I don't know what she left me for. I don't know.

Q You had a fight with her? A Well, we had some words, yes, sir.

Q You struck her? A No, sir.

Q Do you swear you didn't?

A I didn't strike her; she is the one struck me first.

Q You struck her then? A Then, I did, the second time.

Q You just now swore you didn't strike her at all.

A Why, she struck me first.

Q Then you struck her. A I didn't strike her, I slapped her.

Q You were at the table, weren't you? A No.

Q Did you knock her down? A No, it was out in the yard. She wanted to take the child off in the cold in the morning and I told her not to do that. Of course when she is in a mad spell she don't care for anything. I says "If you ~~want to~~ have to go off, wait until it is warm."

Q When was that? A That was about three weeks ago.

Q Where did you live? A Down close to Catoosa, about four miles out north.

Q What is your wife's maiden name? A Lydia Downing.

Q Where is she from originally? A Canadian District.

Q Has she got the children? A No, sir; I have got the children. She has got the least one, the baby.

Q Where is she now? A She is here in town, or was a half an hour ago.

Q This woman testifies you knocked her out of a chair at the dinner table on the 12th day of September, 1900, because "I told him he had to get some provisions to eat." How about that? A There was provisions at home.

Q Was there anything of it at home? A There was plenty of it, what it was.

Q Oh, but did you knock her out of the chair? A No, sir.

Q Was there any dispute over getting provisions? A Yes, sir, there was a dispute about getting provisions, but there was plenty of provisions there.

Q Did this woman ever have you arrested? A Yes, sir.

Q What for? A She claimed I drew an axe on her.

Louis Bruere--3.

Q Well, did you? A No, sir.
Q You were arrested, anyhow, for it? A Yes, sir; I was arrested and I had to pay a fine, but I didn't do it.
Q You were convicted? A Yes, sir; I was convicted.
Q You paid the fine? A Yes, sir.
Q Did you have a jury trial? A No, sir; just a commissioner trial.
Q And the Commissioner, after hearing all the facts, decided you were guilty? A He just took her evidence and nobody else.
Q Didn't he take yours? A No, sir.
Q You didn't testify? A No, sir.
Q You didn't want to? A I said I wasn't guilty.
Q Did you have a lawyer? A Yes, sir; I had Joe Lahay.
Q I expect he advised you not to testify, too. A No, sir; he didn't.
1896 Roll, page 296, No. 125, Lewis Brewer, Cooweesawnee District.

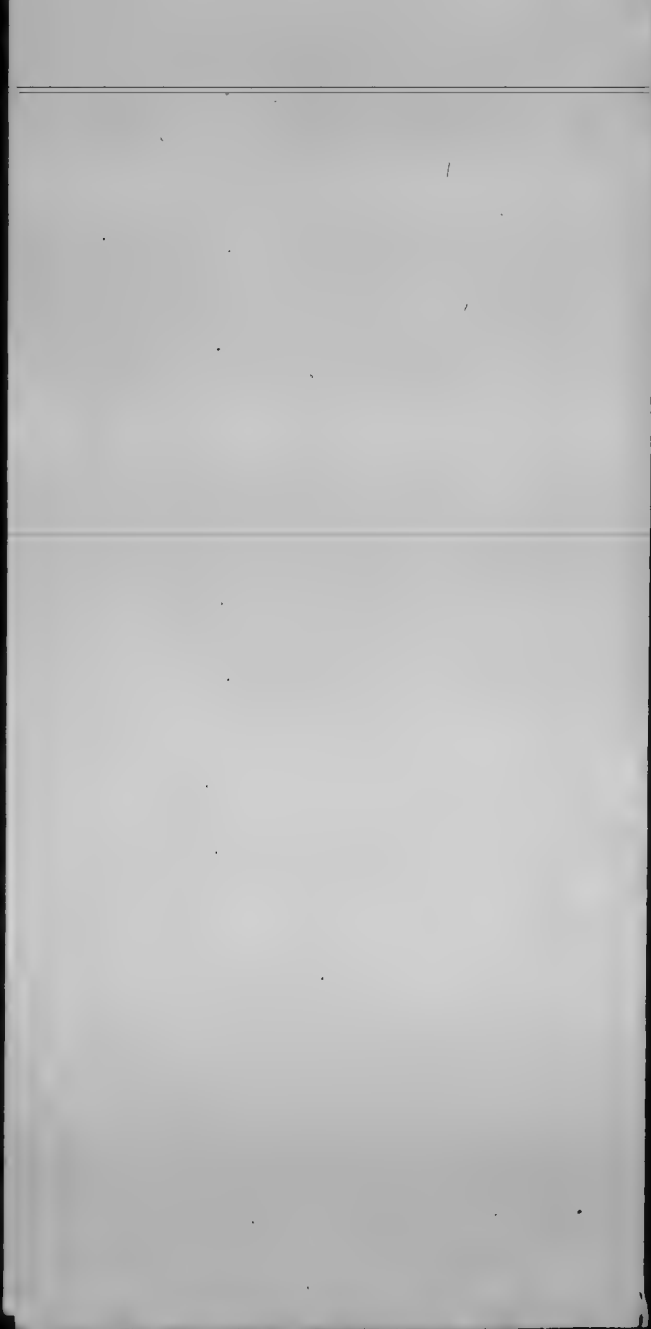
THE COMMISSIONER: The name of Louis Bruere is found upon the census roll of 1896. He presents satisfactory ~~proof~~ license and certificate of marriage certifying that he was married to one Lydia D. Downing, a Cherokee citizen by blood, in the year 1887. The testimony shows that he and his wife are separated and not living together; and she avers in her testimony, taken in the matter of her application for enrollment, that she was so mistreated by him that she could not live with him any longer. Because of the fact of the separation, under the testimony taken above and in the case of the application for the enrollment of his wife, final judgment as to the enrollment of the said applicant will be suspended, and his name will be placed upon a doubtful card.

-----e-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of November
A. D. 1900.


Commissioner.



CHEROKEES BY BLOOD AND ADOPTION.

Name

(3) Louis Bruere

Date

NOV 12 1900

1900.

District

COOWEESCOOWEE.

Year

1896

Page

296

No.

123

Citizen by blood

710

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

10m 18th well as Louis Bruere

See testimony of his wife - Card
No 5315

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, T.T. Nov. 10, 1900.

In the matter of the application of Lydia Bruere for the enrollment of herself and children as Cherokee citizens; being sworn and examined by Commissioner Rockaford, who testified as follows:

- Q How long has she been here? A Lydia Joanna Bruere.
Q How old are you? A 26.
Q What is your last office? A Gatoona.
Q Do you live in Coopersburg, Missouri? A Yes sir.
Q Why is it you want to enroll, yourself and child? A Yes sir.
Q You have a husband? A Yes sir.
Q And how many children? A 5.
Q Are you a full-blooded? A Yes sir.
Q Your husband is white man? A Yes sir, he is French and German.
Q How long have you lived in the Cherokee Nation? A All my life since I could recollect.
Q How long were you here? A Yes sir.
Q How long your name before it was Bruere? A Downing.
Q How long your maiden name was it? A Yes sir.
Q When were you married? A In 1889.
Q How long were you married except to this husband? A No sir.
Q Were you ever married except to him? A No sir, not to my knowledge.
Q Where is he? A He is down here at Gatoona. He and him have separated.
Q You don't want to apply for his enrollment do you? A Yes, if it is necessary.
Q He will attend to his own business won't he? A Yes sir.
Q You are not living with him? A No sir.
Q Give me the name of your father? A Will Downing.
Q Is he dead? A He got killed. I have a little baby like this one.
Q Give me the name of your mother? A Susie Josephine Reese before she married Downing.
Q Is she dead? A Yes sir.
Q How long has she died? A She died when I was about 10 years old.
Q Give me the names of your children? A Louisa L. is my oldest child.
Q How old is that child? A 10 years old.
Q How the next child? A Charley Albert Bruere.
Q How old is he? A 6 years old.
Q Your next child? A Susie Josephine.
Q How old is that child? A 4 years in September.
Q Next child? A Louis Bruere.
Q How old is he? A 2 1/2 years old in July.
Q Now the next child? A Clarin A.
Q About 3 months old? A Yes sir.
Q These children are all living now? A Yes sir.
Q You want your name put down just Lydia don't you, - that's the way you have signed it, to this certificate? A Why you just leave that Joanna off; my mother give me that and I always come over it.
Q What is the name of your husband? A Louis Bruere.
Q When did you ever separate? A We have been separated a little month the first of this month.
Q How long ago? A I have you? A No sir, I had to leave him.
Q Why did you have to leave him? A Because of cruel mistreatment.
Q He was abusive to you? A Yes sir, he whipped me around and beat me and mistreated me for over two years, and I couldn't live with him, and I just had to leave; of course it is my home, but I couldn't live with him.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q So your idea is that he just drove you away from home? A Yes sir, that's what he said he intended to do; just mistreated me until I had to leave.

Q Why did he say he intended to drive you away from home? A Why because he and him couldn't get along, and hadn't been for 2 years, since my two year old boy was born; he began to mistreat me then.

Q Did he whip you? A Yes sir, he knocked me around, on the 12th day of September he knocked me out of my chair at the dinner table because I told him he had to get some provisions to eat, - one word caused another and he came around the dinner table and knocked me out of my chair; of course I staid as long as I could for the sake of the children, but I couldn't stand such treatment and I had to leave.

Q You don't intend to live with him any more? A No sir, I don't intend to live with him any more.

Q Have you applied for divorce? A Yes sir, I have applied for one.

Q Where was your application, made in Claremore? A Yes sir.

1880 roll page 113 #306 Lydia Downing Canadian Dist native Cher
1890 roll page 113 #597 Lydia Brewer Coconosconwe Dist;
1896 roll page 113 #503 Mattie S. Brewer Coconosconwe
1896 roll page 113 #599 Charles A. Brewer "
1896 roll page 113 #600 Susan J. Brewer "

Self-acknowledgment: The applicant applies for the enrollment of herself and five children; she is identified on the rolls of 1880 and 1890 as a native Cherokee; she has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood;

Of the five children named in the testimony the first three are identified on the roll of 1896; they are living now and will be listed for enrollment as Cherokees by blood. When certificates of birth of the 3 younger children, Louis and Clarinda are filed with the court clerk, they also will be listed for enrollment as Cherokees by blood; she makes no application for the enrollment of her husband, to whom she states she was married in 1888, but whom she has been compelled, ~~in fact~~ according to her testimony to leave on account of cruel treatment.

W.D. Green, being first duly sworn, states that a stenographer to the commission to the Five Civilized Tribes has correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of November 1900.

W.D. Green
Commissioner.

CHIFFROKKEE NATION, I. T.;)

DISTRICT.

I, John C. McRae, Recorder a Justice 1887
 hereby certify that on the 1st day of Feb'y a citizen
 I joined in Marriage, Mr Wm. A. Wier a citizen
 of the United States, and Mrs Lydia Gorman a citizen
 of the Cherokee Nation, agreeable to the authority given in the within

License and the customs and laws of the Cherokee Nation.

(given under my hand this the

2851.41.4

7. $B_{12} \times 11-1-17$

Lewis Victor Bruce
 July 25. 1878.

Clarinda Bruce
June 16. 1901

Louis Bruere Paris France
 Louis Bruere near Downing
 born 7th Feb 1871.
 Willy Bruere child of
 Louisa and Louis Bruere
 born 14th Sep. 1883.
 Louisa Lorry Bruere child
 born Nov. 17. th. 1890.
 Betty Jane Bruere born Jan.

Betty Jane Bruce born Jan.
1942 - West Branch, Ia.

1902 Albert Brown

THE INTERIOR,
THE CIVILIZED TRIBES
AND
INDIAN
1900

CHEROKEE NATION, I. T.,)

DISTRICT)

I, *Thos. F. Brewer* a Minister

hereby certify that on the *15* day of *Feb*, 188*7*
I joined in Marriage, Mr *James Brewer* a citizen
of the United States, and M^{rs} *Lydia Greening* a citizen
of the Cherokee Nation, agreeable to the authority given in the within
License and the customs and laws of the Cherokee Nation.

Given under my hand this the *15* day of *Feb*,
A. D. 188*7* *Thos. F. Brewer*

born 2^d Sept 1832
James Brewer David Greening
Lydia Greening, nee Greening
born 9th Feb 1871.

with James chief of
David and Lydia Greening
born 14th Aug. 1885.
David & Lydia Greening Child
born Nov. 14. A. D. 1890.

Betty Jane Brewer born Jan.
1889.

Walter Brewer born
1890.

James Brewer
July 25, 1895.

Charlotte Brewer
born 10th 1892

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
DIVISION OF CIVILIZED TRIBES
WASHINGTON, D. C.
1900

Marriage License.

CHEROKEE NATION, I. T.)
Lynch DISTRICT.)

To Any Person Legally Authorized to Solemnize Marriage—Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony,
and to celebrate the rites and ceremonies of Marriage, between Mr.
Louis Brewer, a citizen of the United
States and *Mrs. Lydia Deering*, a
citizen of the Cherokee Nation, according to the usual custom and laws
of the Cherokee Nation, and you are required to return this License to
me, for record, within thirty days from the celebration of such Marriage
with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office

this the *13* day of *February*

A. D. *1888*

Clerk

J. Jay Thornton,
District.

Fort Gibson

Cherokee Nation.

Recorded

Febry 18. 1888-

T. Jay Thompson.
J. K. Allen

1888

1888

1888

We the undersigned Citizens of Canadian
District Cherokee Nation, do hereby Certify
that we are acquainted with Lewis Brewer,
and have known him for one year or more, and
we believe him to be a good honest & industri-
ous young man, and one who will make a
good and useful Citizen, and we respectfully
ask that a license be granted him to marry
a Cherokee Citizen, in accordance with the
laws regulating intermarriage with Citizens
of the United States.

J. H. Elliott

P. H. Blackstone

James Lowrey

Ben T. Kell

R. H. Morris

16 June

Wm. B. Smith

William Vann

W. H. Barker
J. M. Lowrey

The applicant this day, to-wit: the 10th day of March,

complied with.

BY COMMISSION: The return of the Cherokee Nation will be
at Arsenal, when the suit is determined.

Received by the applicant and his wife in the United States Court,
to file a copy of the decree of divorce pending, be-

BY MR. HATTING: The Cherokee Nation says that the right be

received. Received has been acknowledged by the Commission's letter.

would be required to give evidence before same would be
coliment as a citizen of the Cherokee Nation, but that they
offer any testimony pending to the Cherokee Nation, but that they
Cherokee Nation would on said day, should be permitted to en-
cation.

He was further notified that the representatives of the
him to introduce any additional testimony affecting his appli-
before the Commission and an opportunity would be given
said date he might appear either in person or by attorney.
Indian testimony on the 10th day of March, 1803, and that on
consideration by the Commission, at its offices in Muskogee,
March 18, 1803, that his application for enrollment be a
COMMISSION: The applicant was notified by registered letter
A. W. Hastings, attorney for the Cherokee Nation.

Cherokee Nation.
Lewis Burell for

SUBMITTAL PROCEEDINGS in the matter of the application of the
Muskogee, I. T., March 10, 1803.
Commission to the Five Civilized Tribes,
Department of the Interior.

C. D-223

R

C. D-779

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Lewis Bruere for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 10th day of March, 1902, and that on said date he might appear either in person or by attorney before the Commission when an opportunity would be given him to introduce any additional testimony affecting his application.

He was further notified that the representatives of the Cherokee Nation would on said date aforesaid be permitted to offer any testimony tending to disprove ~~his~~ his right to enrollment as a citizen of the Cherokee Nation, but that they would be required to give him due notice before same would be received.

Receipt has been acknowledged of the Commission's letter.

BY MR. HASTINGS: The Cherokee Nation asks that the right be reserved to file a copy of the decree of divorce pending between the applicant and his wife in the United States Court, at Wagoner, when the suit is determined.

BY COMMISSION: The request of the Cherokee Nation will be complied with.

The applicant this day, to-wit: the 10th day of March, 1902, having been called and failing to respond either in person or by attorney this case is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record, in addition to the decree of divorce to be filed by the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

1940

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of LOUIS BRUERE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

LOUIS BRUERE, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Louis Bruere.
Q How old are you ? A Thirty nine.
Q What is your post office ? A Catoosa.
Q Are you the same Louis Bruere that applied to this Commission for enrollment as an intermarried citizen in November, 1900 ?
A Yes sir.
Q What is your wife's name ? A Lydia Bruere.
Q Is she living at this time ? A Yes sir.
Q When were you and your wife Lydia married ?
A The fifteenth of February, 1888.
Q Where were you married ?
A Well, right out here about seven miles east of Muskogee.
Q Were you married to her under a Cherokee license ?
A Yes sir.
Q Who issued the license ? A Mr. Thornton, at Fort Gibson.
Q Have you filed the license with the Commission ?
A Yes sir.
Q Had you ever been married before you married Lydia ?
A No sir.
Q Had she ever been married before she married you ?
A No sir.
Q Is she your first wife ? A Yes sir.
Q And are you her first husband ? A Yes sir.
Q Have you and your wife Lydia lived together all the time since you were married up to the present time ? A No sir.
Q Have you separated ?
A Yes sir, she left home the 8th day of October, 1900.
Q Two years ago ? A Yes sir.
Q What did she leave home for ? A Me and her couldn't agree. She wanted me to leave, and I told her I wouldn't, I was at home, and she left.
Q What was the reason ? A Several. One was that she would not fulfill a wife's duties, and refused to let me sleep with her for three months and a month at a time, and of course I didn't like that, and she wouldn't cook, and wouldn't work. She would destroy things. She made the children burn up fifty pounds of my tobacco, and pulled up twenty five young apple trees.
Q Pulled them up ? A Yes sir.
Q You and her had quite a row then over it when you came home ?
A We didn't have no row, but it made me mad of course.
Q Is that the only time you and her were separated ?
A She left once before, and was gone two or three weeks, I don't remember exactly how long.
Q Then did she come back ? A Yes, I went and got her back; she went to Claremore.
Q What was the cause of your first separation ?
A I don't know; I can't tell you, I was away from home; I went to see a neighbor, and while I was gone a man came to my place with a team and wagon, and she went with him to his house, and when I got home she was gone with the children. We didn't have no racket nor hard words, and I went after her and she positively refused to come back. I begged her and begged her and she wouldn't come.

Q You lived together after that ? A Yes sir.
Q Up until 1900 ? A Yes sir, October 8th, was the morning she left.
Q You have not lived together since 1900 ? A No sir.
Q Have you ever applied for a divorce ? A She has.
Q Where ? A At Vinita.
Q Has she gotten the divorce yet ? A No sir.
Q Did you file an answer ? A Yes sir, I filed what they call a cross bill.
Q When did you file your cross bill ?
A I think I filed the cross bill-- I don't remember the day of the month.
Q How long ago ? A In May last year.
Q The court hasn't passed on it yet ? A No sir.
Q Have you filed the testimony yet ?
A I give it in last Friday.
Q Where ? A At Catoosa.
Q Before whom ? A The Master in Chancery I reckon.
Q You haven't married any other woman ?
A No sir, I couldn't.
Q Have you lived in the Cherokee Nation all the time since you were married to your wife up to the present time ?
A Yes sir. I have been here for the past sixteen years, with the exception of three months I worked in this town here.

Examined by J. C. Starr:

Q Did you have any trouble with your wife when this last separation took place ? A We had little spats.
Q What did you do ? A She wouldn't let me sleep with her, and for about three weeks then she had done me that way.
Q Didn't you actually run her off from home ?
A No sir, she left against my will.
Q Didn't you knock her down one day at the breakfast table ?
A No sir.
Q You didn't hit her ? A I never hit her.
Q You never hit her ? A When ?
Q The morning she left home; did you hit her that morning ?
A Yes sir.
Q Didn't she have you arrested once for drawing an ax on her and threatening to kill her ? A No sir she claimed I drew an ax on her.
Q When did you draw an ax on her ? A I didn't draw one on her. She claimed I did, but there was no witnesses except her and the children and me, and the Commissioner wouldn't take the child's evidence.

.....

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this October 23, 1902.

B. C. Jones
Notary Public.

NO.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy
of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice
on this the day of 190

Attorney for Applicant

I the undersigned agent for the within named
applicant, hereby accept service of the within notice
on this the day of 190

Agent for Applicant

NOTICE.

In the Matter of the application of
for enrollment as Cherokee citizens:

Louis Bruere,

To

Louis Bruere,

Gatooga I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **Nov 24th** A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

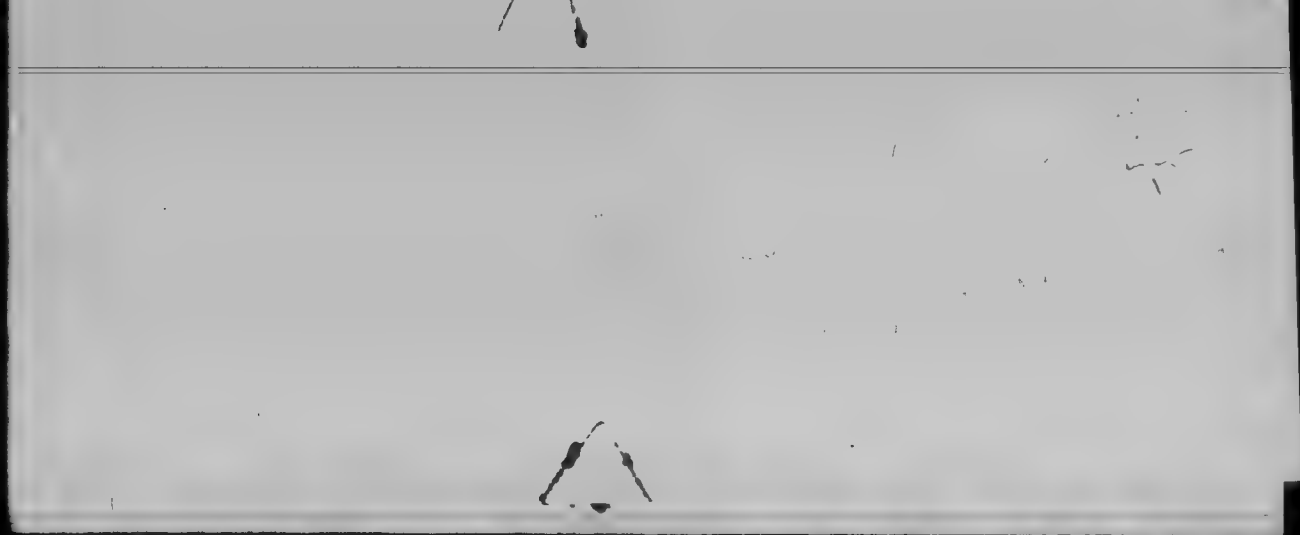
In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this

November 11th, 1902

W. W. Hastings

No. **D 779.**

Attorneys for the Cherokee Nation.



DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 16th 1902.

In the matter of the application of Louis Bruere for enrollment as a citizen by intermarriage of the Cherokee Nation.

Cherokee D. 779.

Motion to re open case.

Comes now the Cherokee Nation and moves the Commission to reopen this case in order that the Cherokee nation may be permitted to introduce testimony to show that the applicant Louis Bruere actually treated his Cherokee wife ~~inhumanely~~ with such inhuman cruelty as to render her condition intolerable and that he beat her on various occasions and finally drove her from her home.

The Cherokee nation expects to prove the facts set forth in this motion by Lydia J. Bruere Catoosa I. T.; Dorothy R. Gourd, Collinsville I. T. and Bertha Spellman Claremore I. T.

This motion is not made for the purpose of delay but that justice might be done.

respectfully submitted,

W. W. Hastings J.C.
Attorney for the Cherokee Nation.

PROCES I. D. DECEMBER 1865
CONSTITUTION TO THE STATE STATUTES
BY THE PEOPLE OF THE STATE OF ILLINOIS

— — — — —

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. December 16th 1902.

In the matter of the application of Louis Bruere for enrollment as a citizen by intermarriage of the Cherokee Nation.
Cherokee D. 779.

Motion to re open case.

Comes now the Cherokee Nation and moves the Commission to reopen this case in order that the Cherokee nation may be permitted to introduce testimony to show that the applicant Louis Bruere actually treated his Cherokee wife ~~immensely~~ with such inhuman cruelty as to render her condition intolerable and that he beat her on various occasions and finally drove her from her home.

The Cherokee Nation expects to prove the facts set forth in this motion by Lydia J. Bruere Catoosa I. T.; Dorothy R. Gourd, Collinsville I. T. and Bertha Spellman Claremore I. T.

This motion is not made for the purpose of delay but that justice might be done.

Respectfully submitted,

W W Hastings J.C.
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of Louis Bruere for enrollment as a citizen by intermarriage of the Cherokee Nation.

O R D E R.

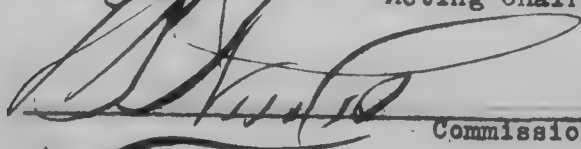
Now on this day the motion of the Cherokee Nation, heretofore filed, to reopen this case for the purpose of taking additional testimony, having been examined and considered by the Commission, it is found that the same has merit and should be sustained.

It is therefore ordered that said motion be and the same is hereby granted and that said cause be reopened for the purpose of taking additional testimony and that the same be set down for hearing at some future date, upon notice by the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 18 1903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louis Bruere
for enrollment as citizens of the Cherokee Nation.

No. CD 779
UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

AFFIDAVIT TO SHOW
SERVICE.

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, J. C. Starr, who being by me first duly sworn on oath states, that his age is thirty-two years and that his postoffice is Vinita, Indian Territory, and that on the 21st day of January 1903 he deposited in the United States postoffice at Vinita, N. an envelope containing a true copy of the instrument hereto attached ~~and he hereto attaches the receipt of the postmaster at said postoffice showing that he received~~ said package to be duly registered and mailed to Louis Bruere whose postoffice is Catoosa Indian Territory, and attached to this affidavit is the registry return receipt duly signed by the applicant showing that said envelope containing a true copy of the instrument hereto attached was received by the said applicant.

Subscribed and sworn to before me this 3rd day of February 1903,

Simon R. Hallingford

Notary Public.

NO. C. D. 774

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy
of the within notice to

on the day of , A. D. 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice
on this the day of 190

Attorney for Applicant.

I the undersigned agent for the within named
applicant, hereby accept service of the within notice
on this the day of 190

Agent for Applicant.

COMMUNICATIONS TO CIVILIZED TRIBES.

1903

3

NOTICE.

In the Matter of the application of Louis Bruere,
for enrollment as Cherokee citizens :

To Louis Bruere,
Catoosa I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of ~~Muskogee~~ ^{Okfuskee}, Indian Territory, on Feb 3rd 1903....., A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this Jan 21 1903

No. C. D. 779.

Attorneys for the Cherokee Nation.

NO.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy
of the within notice to

on the day of , A. D. 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice

on this the day of 190

Attorney for Applicant.

I the undersigned agent for the within named
applicant, hereby accept service of the within notice

on this the day of 190

Agnt for Applicant.

In the Matter of the Application of Louis Bruers for Enrollment as a Citizen of the Cherokee Nation

NOTICE.

8779

In the Matter of the application of **Louis Bruers,**
for enrollment as Cherokee citizens:

To **Louis Bruers,**

Catoosa I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of ^{Wita} Muskogee, Indian Territory, on **Feb 3rd 1903**, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **Jan 21 1903**

W. H. H. H. H.

No. **C. D. 779.**

Attorneys for the Cherokee Nation.

In the matter of the application
of Louis Bruere for enrollment as
a citizen of the Cherokee Nation.

D 779.

Motion to
Dismiss Evidence

James A. Dorsey
Attorney for Applicant.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVIERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 779

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, January 17, 1903.

Louis Bruere,

Catoosa, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of an order of the Commission, granting the motion heretofore made by the attorney for the Cherokee Nation, to reopen your application for enrollment as a citizen by intermarriage of the Cherokee Nation, Cherokee D 779, for the purpose of taking additional testimony.

You are advised that this testimony will be introduced before the Cherokee Land Office of this Commission, at Vinita, on February 3, 1902.

Respectfully,

[Signature]
Commissioner in Charge,
Acting Chairman.

Encl.S-10

GRS

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 3, 1903.

In the matter of the application of LOUIS BRUERE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:

W. W. Hastings, for the Cherokee Nation;
No appearance for applicant.

The Commission: This case, on motion of the Cherokee Nation, was re-opened by order of the Commission, on the 13th day of January, 1903, and was set down for a further hearing at Vinita, Indian Territory, on February 3, 1903, and the representative of the Cherokee Nation was duly notified.

Now comes the Cherokee Nation, and makes satisfactory proof that the applicant was notified by registered letter received by him on the 24th day of January, 1903, that it would, on said 3rd day of February, 1903, at 8:30 a. m., at Vinita, Indian Territory, introduce testimony tending to disprove applicant's right to enrollment.

Now, on this 3rd day of February, 1903, there being no appearance by applicant, his attorney James S. Davenport, of Vinita, Indian Territory, was notified by the representative of the Cherokee Nation by telephone, that the Nation's witnesses were all here, and that the Nation desired to proceed forthwith with this hearing. Mr. Davenport stated that he would be engaged in the United States Court, and was, thereupon, notified by the Commission, that he would have to send a representative to this hearing, if he could not be present in person, and that the case would be held open until ten o'clock a. m., for that purpose; and now at said hour of ten o'clock, applicant is called three times and fails to appear, either in person or by his said attorney, or by any other person in his behalf; and, on motion, the Cherokee Nation is permitted to offer testimony as follows:

LYDIA BRUERE, being first duly sworn, and examined, testified as follows:

Examined by W. W. Hastings:

- Q What is your name ? A Lydia Bruere.
Q Do you know Louis Bruere ? A Yes sir.
Q Were you ever married to him ? A Yes sir.
Q About when were you married to him ? A I was married in the year 1888, February 15th.
Q How long did you live with him as his wife ?
A I lived with him up to two years ago last October.
Q At the time you were enrolled were you living together as husband and wife ? A No.
Q You were separated then ? A Yes sir, just a little over a month before that.
Q Did you ever separate before the final separation ?
A Yes sir, he put me out doors in March, of 1898; he had been mistreating me from the last days of February, and the first of March he put me out of doors in my night clothes.
Q Did he beat you at that time ? A He beat me with his fists.
Q Kicked you ? A He slapped my jaws and beat my head with his fists.
Q Did he put you out of doors ? A Yes sir he put me out of doors. He said "Now, God damn you, stay out there". I begged for

my dress; he jerked my dress off of me, I was fixing to undress; he said, "Are you coming to bed with me", I said, "No, I won't"; he beat me for the last two nights and I didn't feel like I could. I said I wouldn't if it is in my power.

Q Where did you go? A I went to my nearest neighbor.

Q How long did you remain there? A I remained there two days.

Q Did you and this man go to living together after that?

A Yes sir, I went down before the grandjury at Wagoner to see what I could do; I told them my condition, and how I was treated.

Q What was your condition with reference to child birth at that time? A I was in family way.

Q You went before the grandjury? A Yes sir, I told them the way I was treated. I showed a letter that I got from a neighbor man, that if I would come back home he would make it alright; he was sorry. I showed that letter to a jurymen, and he says, "Can't you go back if he does what he says", and I said "Yes I would". I was in a condition that I didn't feel like going away, I was too far along; so I did go back. I just had to take his treatment.

Q You did go back to living with him? A Yes sir.

Q What was his treatment then? A We got along first rate about one month, and then the trouble come up just ~~another~~ ~~misfortune~~ one thing and another.

Q Did he abuse you? A Yes sir.

Q Did he curse you? A Yes sir; and I was expecting more trouble would be raised when I got to bed at night. I got up and went out of doors, it was in the summer. I come out one night, he says "I haven't slept with you in a long time"; he grabbed me around the waist and tried to make me lie down in the mud.

Q Did he curse you? A Yes sir, called me all kinds of vile names, and then he exposed me before my little children.

Q You separated then? A No sir, I didn't separate that time; I was in such shape I wasn't fit to go anywheres.

Q You were about to be confined? A Yes sir.

Q When did you separate from him? A Separated when my last baby was born; that's when I got her. She was born in 1900, the other was born in 1898.

Q About the time it was born, did he abuse you then?

A Yes sir.

Q Tell the Commission if he struck you at that time?

A Yes sir, he didn't do anything but strike me, and kick me around all the time, he never did use any stick or anything like that.

Q That was almost a daily occurrence? A Yes sir. He wouldn't get anything I wanted, such as providing for the little ones' clothes, he said he wasn't able to get them.

Q Well, you separated from him that winter? A Yes sir, this last time. This last baby was born the 16th of July, and I left the 8th day of October. The last day he knocked me down with my baby in my arms. I had the baby in my arms; he said he would rather see it dead than let me have it.

Q Did you go off with the baby? A Yes sir.

Q Where did you go? A I went to a woman by the name of Mrs. Carey, she's dead. I was all bruised up, and she bathed my back and shoulders with turpentine, and I went to bed. Where he knocked me down my head was all bruised.

Q Did you have a sister living with you? A Yes sir.

Q She was married? A Yes sir was married at my house.

Q I will ask you if he had illicit intercourse with your sister?

A Yes sir.

Q You have some farms out there have you?

A Yes sir I got some places.

Q How did you acquire those farms ? A Why I made them with my strip money.

Q He is a white man, and you are a Cherokee ? A Yes sir.

Q How many children have you by him ? A I have seven by him, only five living.

Q Did you ever go out there to get any fruit from off the place ? A I went out there once a year ago last August, the 19th day of August, and I took some witnesses with me; he knew that we was coming, and went back in the house and got a shot gun in his hands and met us at the gate, and stopped us there. He said "You aint got no business here"; I said, "I didn't come for any quarrel". He said he didn't have anything but strychnine for me. I begged to see the children; they was in the house; I only seen one, it was peeping out of the window. He said I didn't have any children there, he said I wasn't the mother of those children. I said yes I was.

Q Did he draw his gun on you at that time ? A Yes sir.

Q Was there anyone there to prevent him from shotting you ? A Yes sir.

Q He ordered you off the place, did he ? A Yes sir.

Q Mrs. Bruere, it is rather a delicate matter, but I want you to tell what he called you out there at that time; did he call you a damned bitch ? A Yes sir.

Q What else did he say ? A He told me that old gentleman that come with me was my husband. I said "He isn't my husband", I says, "I haven't got free from you yet, I haven't got any right to have another husband".

Q Have you sued for a divorce ? A Yes sir.

Q They have been dragging it along ? A Yes sir.

Q Continuing it from time to time ? A Yes sir, on Mr. Davenport's side.

Q When did you commence suit ? A I sued as soon as I left home two years ago last October. The last testimony was taken of my evidence, it was the 12th of last June, Mr. Parks told me that, I didn't go that time.

Q Is there anything else that you want to tell the Commission, that you know of ? Did he ever knock you down at the breakfast table ? A He knocked me down at the dinner table the 12th day of August.

Q Ever draw an axe on you ? A Yes sir, he drew an axe on me the first of May, 1900.

Q Ever draw a gun on you at home ? A No sir, never drew a gun on me until I went after the fruit, he drew an axe.

Q Did you ever have him arrested ? A Yes sir.

Q Did the Commissioner fine him ? A Yes sir, and then they fined him another time when he took a little girl away from me.

Q Did he continue anything to your support ? A No sir.

Q How many children have you had by him ? A I had seven altogether.

Q How many living ? A Five.

Q He has three and you have two ? A Yes sir.

Q Did the Commissioner fine him at the time he took the child away from you ? A Yes sir, he appealed the case to the Wagoner court, and it was tried there, it was set for the 4th of March, and never come off until the 13th; my witnesses never appeared; they was on the bond---I won't say, but I believe it was that. They was paid not to appear against him. The case went by default.

Q Where do you live now ? A I live at Catoosa.

Q Does he allow you to have anything off the farm ? A No sir.

Q It was your strip money that improved that ? A Yes sir, and I washed out to make money to help improve them.

Q Did you wash out while you were living with him ? A Yes sir.

Q How are you making a living now ? A I make a living by washing. I wash every day in the week when it aint too cold.

- Q The letter you have referred to is from Ed Williams ?
 A Yes sir.
 Q Advising you to live with him until after this case was brought ?
 A Yes sir, until he was put on the roll.

Examined by the Commission:

- Q When was your final separation ? A Well, it was the 8th day of October.
 Q What year ? A 1900.
 Q You left him ? A Yes sir, that was the day he knocked me down; he mistreated me so, that he said he was going to abuse me until--
 Q It was his treatment that made you leave him ? A Yes sir; he said he was going to have them some places, he made them.
 Q You didn't give him any cause for this separation ?
 A No sir.
 Q Your conduct as a wife was always proper ? A Yes sir.
 Q You were faithful to him ? A Yes sir.

NANNIE ESSOM, being first duly sworn, and examined, testified as follows:

Examined by Mr. Hastings:

- Q What is your name ? A Nannie Essom.
 Q What is your post office ? A Collinsville.
 Q Do you know Louis Bruere ? A Yes sir.
 Q Do you know this woman here, who was his wife ?
 A Yes sir.
 Q How far did you live from them when they were living together as husband and wife ? A I don't know exactly; it was hardly a half, I guess.
 Q Did she ever go to your house ? A Yes sir.
 Q Did she go there any night after she separated from him ?
 A No sir, not to my recollection.
 Q Didn't they have a separation when she came over to your house ?
 A I don't think she separated from her husband when she came there, I couldn't tell you, it has been so long.
 Q When was it ? A In 1898.
 Q What was her condition ? A She was in a critical condition when she came there; I can't say for my life whether she parted from Mr. Bruere.
 Q They lived together afterwards ? A Yes sir.
 Q You don't know whether it was a temporary separation when she came to your house ? A No sir didn't come to my house.
 Q Did you ever go to see this woman at her house at any time that she sent for you ? A Yes sir.
 Q Where was she, at her own house ? A At her own house, yes sir.
 Q What was her condition at that time ? A Well, she was bruised up, this eye, (left eye), was all bruised, and her head on this side.
 Q The left side ? A Yes sir; and her arm was all bruised.
 Q Her left arm ? A Yes sir.
 Q What was her condition as to about to be a mother ?
 A That's what she wanted me for.
 Q About to give premature birth ? A Yes sir.
 Q Did she tell you at the time what caused these bruises ?
 A Yes sir.
 Q Did she say he did it ? A Yes sir.

- Q Did you see him ? A No sir, he wasn't there.
 Q Was she in bed ? A No sir.
 Q Was her side bruised ? A She never stripped her clothes, I saw it on her eye and head, and I saw it on her arm.
 Q Do you remember of her showing you where her breast was bruised ?
 A Yes sir, they had a grape orchard, we was in the vineyard, and she just opened her breast and in there she was bruised. I know she showed me and she said he bruised her with his fists.
 Q They hadn't finally separated at that time ? A No sir.
 Q You learned that they afterwards separated ? A Yes sir.
 Q You don't know personally of his treatment up to that time ?
 A No sir.
 Q Did you hear of his treatment of her ? A Of course we heard of it.
 Q After this time as well ? A Yes sir.
 Q Do you know what was the cause of this separation ?
 A I can't tell you; we left the neighborhood, afterwards moved, I never thought of this thing, it was just Saturday that we got the subpoena; we got this. I don't remember the date, I couldn't tell you for my life. That's all I can say.
 Q How long after this instance before this child was born ?
 A I don't know; I was there at the birth of the child; I can't tell.
 Q Was it long ? A No sir, it wasn't very long, but I don't remember, I can't tell you the dates.
 Q Was it some four or five years ago ? A Yes sir. I remember, but I can't tell you, I can't for my life.
 Q What was the condition of her health when she was confined ?
 A She was like any mother would be, she was in a prostrate condition; like any mother would be in trouble.
 Q Did she have any physician ? A No sir.

Examined by the Commission:

- Q Was Bruere a man of means ? A Why he was a good liver; he ought to be, he had a good place.
 Q He had a big farm ? A Oh no, he hasn't got a very big farm, but he had a $\frac{1}{2}$ place large enough, and orchard and vineyard, and stuff around it.

 LYDIA BRUERE, being re-called, and examined, testified as follows:

Examined by Mr. Hastings:

- Q Mrs. Bruere, when did this beating of you happen, that has just been related by the witness on the stand ? A It was in the year 1898;
 Q In the spring of 1898 ? A Yes sir.
 Q The same one that you detailed ? A Yes sir. That's what she is trying to get at, that time; she was at my confinement.

 LUCINDA FALLING, being first duly sworn, and examined, testified as follows:

Examined by Mr. Hastings:

- Q What is your name ? A Lucinda Falling.
 Q Do you know Louis Bruere ? A Yes sir.

Q Do you know Lydia Bruere ? A Yes sir.
 Q Did you know them when they lived together as husband and wife ?
 A Yes sir.
 Q How far did you live from them ? A Well, I lived between, about four miles right north-west.
 Q Do you know anything of his abusing or mistreating her ?
 A No sir, not in particular, I never did see it, but she come to my house all bruised up, and she said he done it.
 Q About when did she come to your house ?
 A I can't explain to you about the time.
 Q That was about the last time they separated ? A Yes sir, about the last time.
 Q Well, what bruises did she have ?
 A Well, she had a black place over her eyes, on her cheeks, and on her arms there.
 Q Did she tell you what caused them at that time ?
 A Why brutal abuse she said.
 Q By her husband ? A Yes sir.
 Q Did she say how he did it, with his fists, or how ?
 A No sir, she didn't say.
 Q Did you go and get her ? A Yes sir, we went down to Mr. Mozier's and got her, and brought her home.
 Q That was a ~~xx~~ neighbor's house ? A Yes sir.
 Q She had gone from home over there ? A No sir, she went from Mr. Gourd's down there.
 Q Are you a relative of hers ? A Distant.
 Q You heard of her condition, of her being down there ?
 A Yes sir.
 Q Do you know whether she had on any of her own clothes or not ?
 A No sir, she borrowed, she said, from Mrs. Gourd, and I loaned her some.

L. W. MATTHEWS, being first duly sworn, and examined, testified as follows:

Examined by Mr. Hastings:

Q What is your name ? A L. W. Matthews.
 Q What is your post office ? A Catoosa.
 Q Do you know Louis Bruere ? A Yes sir.
 Q Do you know his wife Lydia Bruere ? A Yes sir.
 Q How far did you live from them when they were living together as husband and wife ? A I lived at Catoosa, about six miles.
 Q Did you ever go out to his place with his wife to get some fruit ?
 A Yes sir.
 Q Do you remember about when that was ? A That was, I think, about the 19th of August, 1909.
 Q That was since the separation ? A Yes sir.
 Q Who was with you folks at that time ? A Her brother Ben Downing and her sister Mrs. Claghorn was with us.
 Q Did you see Mr. Bruere out there at that time ?
 A Yes sir.
 Q What did he say to her at that time ?
 A Well, she went to go into the yard to get some grapes, he stopped her, and said he had nothing there for her but strychnine, she couldn't have any grapes.
 Q Did they have a vineyard on the place ? A I suppose so, I never did see the vineyard, but I suppose they had a vineyard.
 Q What else ? A He told her to go away; he called her a damned slut running from one place to another, nothing but a damned whore, to go away from there he didn't have nothing for her.
 Q Did he draw a gun on her ? A Yes sir he drew a gun on her, and told her that he would shoot her.

- Q Well, did he shoot her ? A No sir, I told him to stop.
 Q You prevented him from shooting her ?
 A Yes sir, I pulled my gun on him, and told him to lay his gun down, and he laid it down.
 Q He called her all sorts of vile names did he ?
 A Yes sir, all the dirty names a man could think of, as far as he could see her he kept it up.
 Q You don't know anything about his beating her before ?
 A No sir.
 Q That's all you know about it ? A That's all.

Examined by the Commission:

- Q This occurred on the 19th of August, 1900 ? A 1901.
 Q That was a long time after the separation ? A Yes sir.
 Q Do you know for what purpose she went there ?
 A She went for the purpose of getting some grapes, she said.
 Q That was the only purpose ? A Yes sir.

PEGGY CLAGHORE, being first duly sworn, and examined, testified as follows:

Examined by Mr. Hastings:

- Q What is your name ? A Peggy Claghorn.
 Q Where do you live ? A Gatoosa.
 Q Are you a sister of Mrs. Bruere ? A Yes sir.
 Q Did you ever live with her ? A Yes sir.
 Q Do you know her husband Louis Bruere ? A Yes sir.
 Q Did he ever abuse her while you lived with her ?
 A Why he cursed her and tried to kill her.
 Q Threatened to kill her ? A Yes sir, called her all kinds of dirty names.
 Q About when did you quit living with her; you are married now are you ? A Yes sir, I am living with her yet.
 Q When were you married ? A Married in 1896.
 Q You didn't live with her after that time did you ?
 A I lived with her most of the time.
 Q Well, did you ever see him strike her ? A No sir.
 Q You never was there during that time ? A Yes sir, I seen him draw his hand to strike her.
 Q You heard him curse her ? A Yes sir.
 Q You heard him ~~at~~ call her bad names ? A Yes sir.
 Q Were you living with her in May, 1898, when he knocked her down and she left ? A No sir.
 Q You were married then ? A I was married.
 Q You commenced living with her after the separation ?
 A Yes sir.
 Q Did you ever see any bruises upon your sister ?
 A Yes sir, I seen where he made a black eye on her; she told me he done it.
 Q Did you see it more than once ?
 A Why yes sir, another time when he stole the child from her. She took after him as hard as she could go, but he got the child back.
 Q You saw the bruises did you ? A Yes sir.
 Q How long after it was done ? A Well, I was there when he stole the child, he was playing across the street to a neighbor's house, we was at home.
 Q She took it over to a neighbor's house ? A She took it over to a neighbor's house, she called me, she screamed.
 Q When this striking was done you wasn't present ? A No sir.

JESSE FALLING, being first duly sworn, and examined, testified as follows:

Examined by Mr. Hastings:

- Q What is your name ? A Jesse Falling.
 Q Do you know Louis Bruere ? A Yes sir.
 Q Did you see his wife at any time when you went after her with your wife ? A Yes sir.
 Q What was her condition as to bruises at that time ?
 A Well, she had a black eye, I can't swear which side it was, one side of her face was black, and she was almost naked, and she told us what clothes she had was borrowed clothes, and it was cold weather.
 Q Did you see her arm bruised ? A Yes sir, how I come to know they had any trouble before that, a fellow come to me one morning and asked me if I had seen anything of Mrs. Bruere. I told him no.
 Q Was that her husband ? A No sir, another fellow.
 Q You saw these bruises did you ? A Yes sir, I seen her.
 Q Did she tell you who did that ? A Yes sir, she told me Louis Bruere hit her with his fists, and threw her out of doors and wouldn't let her come back in the house; he told her to leave. She sent word for me to come after her.

The testimony is closed.

By James S. Davenport: Comes now James S. Davenport, representative of the applicant, Louis Bruere, and respectfully shows to the Commission, at 11:45, that he had been detained in the trial of a felony case in the United States Court at Vinita; that he could not get here earlier to examine the witnesses, and that he so communicated to Mr. Hastings, attorney for the Cherokee Nation, and to Mr. P. G. Reuter, chief clerk of the division located at Vinita, at nine o'clock of to-day, advising them of the condition, and that he would be up as quickly as he could get released from the court; and respectfully asks the Commission that the witnesses who are now in town, be brought back before this Commission, so that he might have an opportunity examine them on behalf of the applicant.

By W. W. Hastings: W. W. Hastings, attorney for the Cherokee Nation, respectfully desires to state that this case was re-opened upon motion of the Cherokee Nation, and was set down by the Commission for hearing to-day, and that the applicant was notified that testimony would be taken at eight thirty o'clock on the morning of February 3rd, and that, when that time arrived, the representative of the Nation, knowing that Mr. James S. Davenport represented the applicant, called him up over the telephone and advised him that there were some five or six witnesses present, most of whom were women, some of whom had little children, who were especially anxious to get away on the noon train, and that it was desired that the testimony be taken before noon, so as to accommodate them; and also told Mr. Davenport that the case would be held open until ten o'clock before any testimony would be taken, so as to give him some time to make some arrangement either with the United States Court, or someone to represent him before the Commission, but that testimony would be taken at that time in said case; and that immediately after the hour of ten o'clock had arrived, the witnesses were called in and their testimony taken in this case, in order that these witnesses might get away upon the

noon train, whereas, if they did not get off on that train, they would be detained until after midnight, which would greatly inconvenience the witnesses of the Cherokee Nation, the most of the witnesses living in the country a distance from Catoosa, which is some fifty or more miles west of Vinita; and, therefore, the representative of the Cherokee Nation objects to the above motion, unless the witnesses are subpoenaed at the expense of the applicant, and in that case no objection whatever is offered.

The Commission: In view of the fact that the attorney for the applicant did not appear in this case until the close of all the testimony, and it being now 12 o'clock, and it appearing that all the witnesses have gone in order to catch a train going west at noon, it is impossible for the witnesses to be recalled at this time, and therefore the motion of the attorney for the applicant will be taken under advisement, as to their being recalled at a future time.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state, that the foregoing is an accurate transcript of the testimony and proceedings had in the above entitled cause as the same were reported by Jesse O. Carr, stenographer, and by him read to me.

E. C. Bagwell

Subscribed and sworn to before me this February 16, 1903.

Samuel Torman
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 19th, 1903.

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IN THE MATTER OF THE APPLICATION OF LOUIS BARRUE FOR
ENROLLMENT AS A CITIZEN OF THE CHEROKEE NATION BY
INTER-MARRIAGE.

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Cherokee D-779

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ANSWER OF THE CHEROKEE NATION

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In answer to the motion made by James S. Davenport, Attorney for the applicant, and the affidavit filed in support thereof, the Cherokee Nation desires to say that this case was set for February 3d., 1903, by agreement, after conversations between the representative of the Cherokee Nation and James S. Davenport, for the purpose of suiting the convenience of James S. Davenport in said case; and both he and the applicant himself was notified to be at Vinita upon that date.

As the record shows, the Cherokee Nation had summoned numerous witnesses, most of whom were women, some of whom had little children, and some of whom lived a distance from the railroad station some fifty miles or more west of Vinita, along the line of the Frisco Railway. The record shows that the applicant was notified that testimony would be taken in this case at eight o'clock, A.M., and when that hour arrived, James S. Davenport was communicated with by telephone by W.W. Hastings, representative of the Cherokee Nation, as is stated in the supporting affidavit submitted by the applicant himself, at which time the said James S. Davenport was told in detail by W.W. Hastings, that it would be impossible to continue the case until afternoon; that a train went west on the Frisco Railway at twelve o'clock; that a number of the witnesses were women; that it would put the Cherokee Nation to a great expense to keep these witnesses over; that in the event they did not get off on the twelve o'clock train that they would have to stay until after midnight, but that in order to convenience him that the case would not be taken up until ten o'clock, but he was notified that in the event he was not here at ten o'clock that the Cherokee Nat-

(2)

ion would not longer wait, but would insist upon its being taken up. The record further shows that the case was not taken up until after ten o'clock, when the witnesses were called and examined by the Cherokee Nation and also by the Commission, and were excused, and had left the building for the train before the said James S. Davenport arrived at 11:45, A.M. The Cherokee Nation therefore objects to the motion as made by the applicant to strike from the records the testimony taken on behalf of the Cherokee Nation upon that date, but contends that the same was taken in accordance with a notice previously served in due manner, and in accordance with a verbal understanding and after the representative of the applicant had been communicated with by telephone upon that date that the case would be taken up. The Cherokee Nation desires to insist that it is as much the duty of counsel to be prompt before the Commission and fulfill their engagements there as it is to fulfill those before a United States Court.

Respectfully submitted,

-- *W. W. Hastings* --

Attorney for the Cherokee Nation

In the matter of the application of Louis :
Bruer, for enrollment as a citizen of
the Cherokee Nation.

D 779.

Comes the above named ~~plaintiff~~ applicant and moves the Commission to strike from the records the testimony taken on behalf of the Cherokee Nation on February 3rd, 1903, namely the evidence of Lydia Bruer, Mrs. Eason, Jessie Falling and wife, L.W. Mathews and Peggy Cleghorn, and for the grounds of his said motion he states, ^{a.m.} is that the notice he received from the Commission to THE FIVE CIVILIZED TRIBES did not fix any hour in the day when the testimony would be taken, and that he appeared at the office of the said Commission at 11.45 of the date that the notice served upon him advised him to be there.

11.

The notice received by him from the Honorable W.W. Hastings representative of the ^{Cherokee Nation} ~~commission~~ did not fix any hour when the testimony would be taken, but read as follows: as to the time testimony would be taken "In the town of Vinita, Indian Territory, Feb. 3rd, 1903." then in print _____ A.D. 1903 at 8 o'clock a.m. or from day to day thereafter until the same could be heard by the Commission. That the notice herein is the only notice that he received from the representative of the Cherokee Nation that the testimony would be taken; That notwithstanding the said notice reading as it did, he appeared in person and with his attorney at the office of the "Commission of the Five Civilized Tribes" by 11.45 a.m. of the day named in the notice; namely: February 3rd, 1903. and the testimony had been taken prior to that hour and the witnesses discharged and gone.

111.

That the representative of the Cherokee Nation was duly advised by the attorney for the applicant that he was engaged in the trial of a felony case in the United States Court, and that as quick as said case closed he would be present to take the testimony.

1V.

In support of this motion to quash the testimony and strike from the record the same, the applicant attaches his affidavit and the notice received from the representative of the Cherokee Nation and the representative of THE FIVE CIVILIZED TRIBES.

Wherefore the applicant respectfully prays of the Commission that the testimony taken on February 3rd, 1903, be quashed and stricken from the records.

James P. Sampson
Attorney for Applicant.

IN THEMATTER OF the application of :
Lewis Bruere for enrollment as a :
citizen of the Cherokee Nation :

D 779.

Lewis Bruere of lawful age, being duly sworn on his oath, states that he is an applicant for enrollment as an intermarried citizen of the Cherokee Nation, and that he is on Cherokee doubtful card 779. That the Cherokee Nation through its representative W.W.Hastings under date of January 1st, by means of a registered letter advises applicant that on (February 3rd, 1903, 1903 being written in the blank notice and 1902 at 8 o'clock a.m. being printed to the present testimony before the "United States Commission to The Five Civilized Tribes" tending to his right to be enrolled that under date of January 17th, 1903, he received a letter signed by T.D.Needles Commissioner in charge advising him that on February 3rd 1902, the Cherokee Nation would be ready to introduce testimony before the Cherokee Land Office of the said commission at Vinita. This letter was also accompanied by an order of Commission to the FIVE CIVILIZED TRIBES showing that upon motion of the of the representative of the Cherokee Nation applicant's case had been revived for the purpose of allowing the said Nation to introduce such testimony as the representative of the said Nation might desire. Applicant states that on receipt of the notices from the representative of the Cherokee Nation and the said Commission notwithstanding the evident clerical error of 1902, he came to Vinita to be present and have his representative cross examine the witnesses who were introduced by the Cherokee Nation. That when he arrived at Vinita the United States Court for the northern district of the Indian Territory was in session, and that his attorney of record Jas.S.Davenport was engaged in trying the case of the United States against J.K.Richardson upon a charge of grand larceny. That at 9 o'clock when the said Davenport came to his office, the said Davenport as representative talked with J.O.

Starr, attorney for the Cherokee Nation, and with W.W.Hastings, Esq. attorney for the ~~sent~~ said nation advising both Mr.Starr and Mr.Hastings that he was engaged in the trial of the case herein named, and that as quickly as he could get himself excused from the court he would be present to cross examine the witnesses. Affiant herein was advised by his attorney or representative that Mr.Hastings stated that he would wait until 10 o'clock and no longer. That his attorney then called by 'phone' Mr.P.G.Reuter who is the chief clerk of the land office and explained the situation to Mr.Reuter and advised Mr.Reuter that as quickly as he could get excused from the court and finish the case he was then engaged in he would come up and take the testimony. Affiant further states ~~in~~ that his attorney finished the trial of the case at 11.30 o'clock a.m. of February 3rd, 1903 and reached the land office where the testimony was to be taken at 20 minutes before 12 o'clock a.m. and on being advised by Mr.W.W.Hastings attorney for the Cherokee Nation that the testimony had been taken that he could not wait

any longer, filed a motion before the Commission representing the "COMMISSION OF THE FIVE CIVILIZED TRIBES" and before whom the testimony seems to have been taken asking that the witnesses who were then in the town of Vinita be recalled that the applicant might have an opportunity to hear their testimony and have them cross examined which motion is still pending before the commission.

Affiant further states that he is a poor man having three minor children to provide for and having no means of support other than his labor (being a farmer by occupation) that he is absolutely unable to pay the expenses of the witnesses to have them brought back, a distance of fifty miles, for examination, that he could not have them recalled on the 3rd of February, 1903. for examination, for the reason that their testimony given on behalf of the Nation was taken in shorthand and had not been transcribed so that he or his attorney might know what they had testified to. Applicant further states that there was no desire on his part to delay the hearing, and that he was ready at all times, and has at all times obeyed each and every notice given him by the Commission or the

attorney representing the Commission. That at no time heretofore during the hearings that have been had by this Commission has the testimony ever been heard and closed before in the afternoon of the day fixed for the taking of the testimony.

The applicant further states that he is willing to waive all informalities as to the notice given him by the Commission and the attorney representing the Cherokee Nation, neither of which notices fixed a time for the beginning and closing of the testimony.

Affiant states that he is advised by his attorney that the following witnesses were examined on behalf of the Cherokee Nation; namely Lida Bruere, Mrs. Fasson, Jessie Faling and wife, L.W. Mathews and Peggy Cleghorn, neither of whom did plaintiff have an opportunity to have cross examined; That he does not know what the substance of their testimony was and cannot know until the Stenographer for the said Commission has transcribed the same, and he has been furnished with a copy.

He respectfully asks that the testimony of the within named witnesses be stricken from the record and not considered in this case, for the reasons stated in this affidavit. That he has done nothing under the law to forfeit his right to citizenship, and only desires that in the hearing of the testimony against him he has an opportunity to meet the witnesses and have them duly examined so as to bring out their bias or prejudice in the matter.

Louis Bruere

Subscribed and sworn to before me this 4th day of February 1903

W. W. Whitman
Notary Public.

Feb. 5, 1903.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

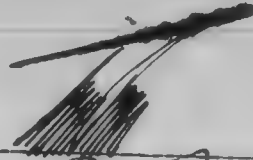
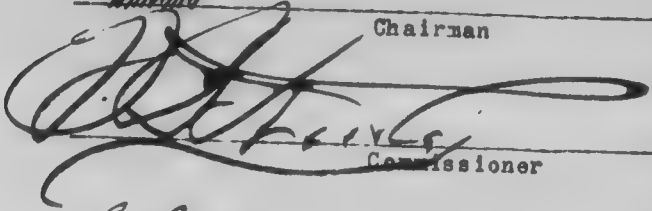
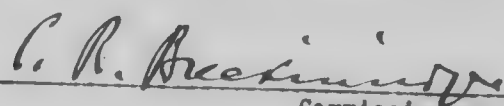
In the matter of the application of Louis Bruere for enrollment as a citizen of the Cherokee Nation.

O R D E R .

Now on this day of February, 1903, the Commission having considered the motion heretofore filed by the applicant to strike from the record in this case the testimony of Lydia Bruere, Mrs. Eson, Jessie Falling and wife, L. W. Mathews, and Peggy Cleghorn, taken February 3, 1903; and it appearing from the motion, the affidavit attached thereto, and the record made on said date, that James S. Davenport, an attorney in good standing before this Commission, who represented the applicants in this proceeding, was on that day engaged in the trial of a felony case before the United States Court for the Northern District of Indian Territory, at Vinita, Indian Territory, and requested the representatives of the Cherokee Nation and the Commission, to pass said case until said felony trial was concluded; and it further appearing that said trial was concluded at 11.30 A. M. of said day, and that said James S. Davenport and this applicant appeared at the office of the Commission at Vinita, Indian Territory, at 11.40 A. M. of said day, for the purpose of being present at the taking of testimony, and found that same had already been taken and finished before their arrival, and were thereby prevented from cross examining said witnesses;

It is, therefore, ordered that the motion of the applicant to strike from the record the testimony taken on said date, be, and the same is hereby sustained, and said testimony is stricken from the files of this Commission; and the Cherokee Nation will be allowed to take the testimony of said witnesses in the matter of said application, upon giving the applicant or his attorney at least fifteen days' notice of the time of hearing.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman

Commissioner

Commissioner.

Muskogee, Indian Territory,

this MAR 2 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 19th., 1903.

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IN THE MATTER OF THE APPLICATION OF LOUIS BRUERE FOR
ENROLLMENT AS A CITIZEN OF THE CHEROKEE NATION BY
INTER-MARRIAGE.

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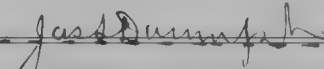
Cherokee D-779

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RECEIPT

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I, James S. Davenport, Attorney for the Applicant above
named, hereby acknowledge receipt of a copy of the Answer
of the Cherokee Nation hereto attached.



ATTORNEY FOR APPLICANT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 19th, 1903.

+++++

IN THE MATTER OF THE APPLICATION OF LOUIS BREURE FOR
ENROLLMENT AS A CITIZEN OF THE CHEROKEE NATION BY
INTER-MARRIAGE.

+++++

Cherokee D-779

+++++

ANSWER OF THE CHEROKEE NATION

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As the record shows, the Cherokee Nation had summoned numerous witnesses, most of whom were women, some of whom had little children, and some of whom lived a distance from the railroad station some fifty miles or more west of Vinita, along the line of the Frisco Railway. The record shows that the applicant was notified that testimony would be taken in this case at eight o'clock, A.M., and when that hour arrived, James S. Davenport was communicated with by telephone by W.W. Hastings, representative of the Cherokee Nation, as is stated in the supporting affidavit submitted by the applicant himself, at which time the said James S. Davenport was told in detail by W.W. Hastings, that it would be impossible to continue the case until afternoon; that a train went west on the Frisco Railway at twelve o'clock; that a number of the witnesses were women; that it would put the Cherokee Nation to a great expense to keep these witnesses over; that in the event they did not get off on the twelve o'clock train that they would have to stay until after midnight, but that in order to convenience him that the case would not be taken up until ten o'clock, but he was notified that in the event he was not here at ten o'clock that the Cherokee Nat-

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Respectfully submitted,

--- W. W. Hastings ---
Attorney for the Cherokee Nation

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burp	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Hendrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dittthorwer	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wain	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Elie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isajah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Elin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Deah	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa, Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosia B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9951
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Elba Vann	D 1320
Manuel Spencer	D 884	Lannie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lapsey	D 2717	Mary Tasse	D 2832
Bertha Landrym	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McInosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Puck	D	3083	Malissa Fields	R	144
Lela C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Horisoy

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 23 1902

COMMISSIONERS.
HENRY J. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18,

1902.

Louis Bruere,

Catoosa, Indian Territory.

Sir:

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 10, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Amos G. Chiswick
Commissioner in Charge

Cherokee D. 770
Register

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF
ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Heinrich

L. H. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STAHR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Ashtown, I. T., March 5, 1909.

T. A. Chandler, Esq.,

Ashtown, I. T.

Dear Sir:

I am advised as to if there is a suit pending for divorce between Louis Brumby and Maria Brumby, and if so please inform me of the same and if the ~~same~~ is alleged; and also advise me if there is a sister or representative for and give up her share. If the divorce proceedings was started by Louis Brumby kindly advise me if he has filed a cross bill, and what he has alleged in her cross complaint.

Yours truly,

Centosa J. T.

March 29

Mr. W. W. Hastings

Museogue J. T.

Dear Sir your of 19. to hand contents
duly noted. I will give you a list
of my trouble as you requested.
I was drove from my home by my
husband. I did not leave but was
driven away on Feb 27 1898. he
knock me down and rap me and
cure me.

March 1. 1898. he put me
out the house in my night cloth
and bare foot. I went to a neighbor
house for a shelter and borrowed
cloth and shoes.

Aug 12 1896.

he knocked me against the wall and
 Slap me in the mouth. and made
 my mouth ~~Bloody~~. when my ^{Body} was 3
 week old.

May 1. 1900. he drew a
 up for me and took me to and
~~Threaten~~ to Kill me. I compared
 to the 145. commission at Claremore
 and he was fined \$30. through
 the influence of friends I enter in
 to a contract with him to go Back
 home.

July 8. 1900. he Slap me
 about my head and face.

Aug 11. 1850. Cousin Lawrence
 kept me and children and went to
 St. Louis with out my baggage
 and nothing to eat. only half gallon
 of milk. not much able to do
 my work in 2 weeks

September 12. 1850

Cousin Lawrence knocked me away from
 dinner table he tried to get me out
 to get back at me

Oct 2. 1850. he cursed me
 and called me a name and kicked
 me and took my right cloth off me
 me.

Oct 11

... of course he said he ...
with my ... he said
there was ... a
boy ... and ...

after all this ... and ...
I got a raid to stay at home any
more. after coming home I stayed
with ... until Feb. 1, 1911. I
then rented a house in ...
and took in washing for my
living. And ... Brought
2 children. left them with me
and said damn you take these
children. that you are able to
take care of them.

I ask him to pay me 2 million
and he said that is my business
and I am

May 14, 1881 He came
in my house and took my little
baby and he said he would

May 26, 1881 He took
my little girl and he said
he would if I would let him
and he said he would let me
and I was afraid before commission
at last he paid \$150 ⁰⁰ This was
our Street grade.

Lydia J. Burre

C. J. Smith, Nov 21, 1912

14. 17. 12.

Influence of the
influence to corroborative witness
I am very much interested in it
But the most important thing would be
the testimony of R. G. Gaudin, near Collinsville
Mrs Bertha Spellman, near more to
the same place where was badly
Broke up please put this case through
as fast as you, because I am losing
my property at home. I am not
Received nothing for my goods since I
left home please use your influence
to get a decision in this case as soon
as possible I want to file on my
place for my self and children at
the opening of the land office

at Santa January 1, 1953.

hope you will be very
kind and graciously.

Respectfully,

J. P. Burre

PP

This is a letter to you, in my
evidence in prayer for a divorce.

S. M. T.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 779

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, January 17, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of an order of the Commission, granting your motion to reopen, for the purpose of taking additional testimony; the application of Louis Bruere for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are advised that this testimony may be introduced before the Cherokee Land Office of this Commission, at Vinita, on February 3, 1903.

Respectfully,



Commissioner in Charge.

Acting Chairman.

Encl.S-11

GRS

Cherokee D 779

Vinita, Indian Territory, January 17, 1903.

Louis Bruere,

Catoosa, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of an order of the Commission, granting the motion heretofore made by the attorney for the Cherokee Nation, to reopen your application for enrollment as a citizen by intermarriage of the Cherokee Nation, Cherokee D 779, for the purpose of taking additional testimony.

You are advised that this testimony will be introduced before the Cherokee Land Office of this Commission, at Vinita, on February 3, 1902.

Respectfully,

Acting Chairman.

Encl.S-10

GRS

Centosa J. Jan 28 1873

Mr J. J. T. Dear Sir
I have ~~collected~~ listed 2 of the
witnesses. But I cant get Mrs Bertha
Sprillman address yet. But I might find
out if before the case up. where she is
in regard to Mattie
Briere my daughter. Have you some
compulsory process of getting her.
her father has told her if she ever
got on a stand he would kill her or
drown her. she has told that to her
neighbor for if she did testify
against him he would hang.
~~that~~ Mrs. Trant
is the one she told me this
story
from Lydia Briere.

J. L. S.

Muskogee, Indian Territory, March 9, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of an order of the Commission, dated March 2, 1903, sustaining the motion of James S. Davenport, attorney for applicant, to strike from the record, in the matter of the application of Louis Bruere for enrollment as a citizen of the Cherokee Nation, Cherokee D-779, certain testimony taken February 3, 1903.

Respectfully,

Chairman.

Encl-S-150

GRS

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON C. AYLSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED BY THE CHIEF

Muskegee, Indian Territory, March 9, 1903.

V. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of an order of the Commission, dated March 2, 1903, sustaining the motion of James S. Davenport, attorney for applicant, to strike from the record, in the matter of the application of Louis Braere for enrollment as a citizen of the Cherokee Nation, Cherokee D-779, certain testimony taken February 3, 1903.

Respectfully,



Chairman.

Encl-S-150

GRS

Cherokee No/
D. 779

Muskegee, Indian Territory, January 10, 1907.

Louis Bruere,

Catoosa, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. _____
D

Commissioner.

Cherokee 779 D

Muskogee, Indian Territory, March 14, 1907.

Louis Bruere,

Catoosa, Indian Territory,

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskegee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskegee, Indian Territory.

Dear Sir:

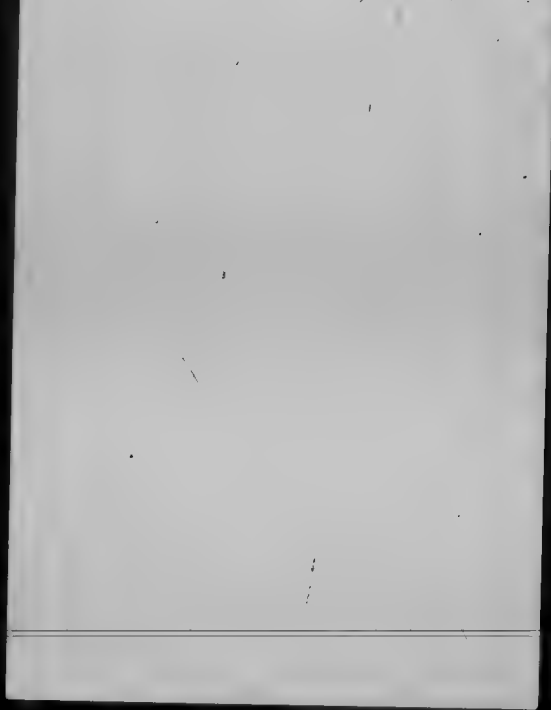
You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.



8779

Louis Bremer

The decision has not
been approved in this
case and I think Chen
Nation should be allowed
to introduce further testimony
as to separation of the
applicant & his wife
C.R.



2970
IN THE MATTER OF THE APPLICATION OF

Louis Bruere

FOR ENROLLMENT AS

CHEROKEE CITIZEN

MARCH 10 1902

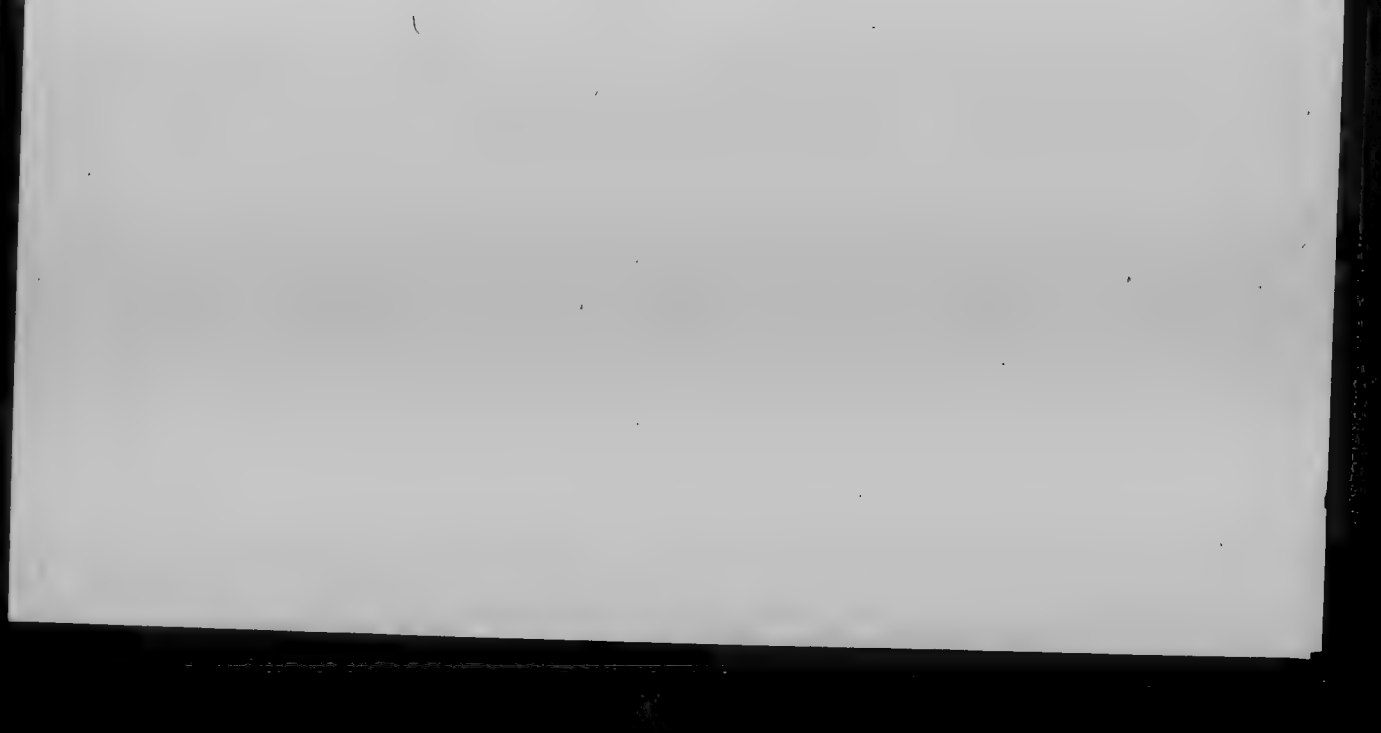
Continue awaiting

result of divorce
proceedings --

2

Cher D 780

Cher D 780



Department of the Interior,
Commission to the Five Civilized Tribes,
Clarendon, I.T., November 12, 1900.

In the matter of the application of Richard C. Myrd for the enrollment of himself and wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

- Q Give me your full name. A Richard C. Myrd.
Q How old are you. A I am 32 years old.
Q What is your post-office. A Dewey.
Q In what district do you live. A Chowanawoowa.
Q What is it you want to have enrolled, yourself and family?
A Myself and children.
Q Do you want to apply for your wife. A I and my children were admitted by the council, and they refused my wife.
Q You are living with her. A Yes sir.
Q Can't you had better apply for your wife and see how you will come out.
Q How many children. A 4 children.
Q Are you a Cherokee by blood. A No sir.
Q What is your wife. A She is a white woman.
Q You are white and she white also. A Yes sir.
Q How do you get admitted by the council. A I am a member of the Jones family, who were admitted in 1856.
Q Are you on any of the rolls of the Cherokee Nation. A I am on the 1856 roll.
Q Missionary Jones' family. A Yes sir.
Q Why are you not on the roll of 1880. A I wasn't in the country in 1880.
Q Where were you. A In Colorado.
Q Where were you born. A At Little Rock, Arkansas.
Q When did you first come to the Cherokee Nation. A When I was about 6 years old I think.
Q Are you a son of the Missionary Jones who was admitted by the Cherokees. A No sir, I am a grand-son. My mother was a Jones.
Q When came here when you were six years old, - how long did you live here. A I have lived here all my life since that time, except about a year and a half when I was out west.
Q What were you doing out in Colorado. A I went there for my health. I lived at Ft. Gibson and I had an aunt out there, living with her, and I was in very poor health and I went out there for my health.
Q You didn't go out there to make your home. A No sir.
Q Did you have any property back home. A I had a home.
Q Did you sell all your little odds and ends. A No sir, I left that with Mr. Myer Jones; I made my home with him.
Q You went out there with the express purpose of coming back. A Yes sir.
Q And only on a visit and for your home the. A Yes sir.
Q And you have been living here ever since you came back from that. A Yes sir.
Q So with that exception you have been living here ever since you were about six years old, or thereabouts. A Yes sir.
Q Give me the name of your father. A Richard C. Myrd.
Q Is he dead. A Yes sir.
Q Give me the name of your mother. A Pauline D. Jones.
Q How long since your father died. A I don't know.
Q Did she ever have a child. A Yes sir, I don't remember my father or mother either one.
Q Your mother died before 1880. A Yes sir, it must have been about somewhere along in 1860 or 1870.

Q What was the name of your mother's mother? A Her name was Pauline Jones.

Q Has she been dead more than twenty years? A It has been about 22 years since she died as well as I can remember.

Q Now give me the name of your wife? A Jane M. Byrd.

Q How old is she? A She is 36.

Q When did you marry her? A In 1886.

Q Were you and she lived together ever since you were married?

A Yes sir.

Q Were you ever married except to her? A No sir.

Q Was she ever married except to you? A Yes sir.

Q Give me the names of your children? A (Hands Con't list)

Q Your oldest child is named Josie Pauline? A Yes sir.

Q She is about 14 years old? A Yes sir.

Q Ethel Hollis? A Yes sir.

Q Ethel is 13, that right? A Yes sir.

Q Again Alice, she is 12 years old? A Yes sir.

Q Ella and Ella Maudie 10; Richard Augustus, 8 years old; Laura Jane, she is 6 years old; Miles Lincoln, he is four years old; Ruby May, she is 3 months old.

Q These children are all living now are they? A Yes sir.

Q 1896 roll page 120 #653 as Richard Bird and children Coonscoowee D.

Q Did these children draw Strip monies? A No sir.

Q 1894 roll explain for name of the applicant, and not found;

Q Give me the name of your grand-father through whom you say you inherited? A Evan T. Jones.

Q When did he die? A I don't remember, it has been about 26 years ago.

Q Was your mother born here in the Cherokee Nation? A I think she was, I am not sure, she was born here, she was married here.

Q Did she live here pretty much a 1/2 her life? A I think so.

Q Was she born before or after her father's admission to Cherokee citizenship? A I think she was born before.

Q How old would your mother be if she were living now? A She would be about 50 I suppose.

Q She would be over that, - you are 36? A Yes sir, she must have been 24 or there near 20 when she was married.

Q Are you the oldest child? A I am the only child.

Q Then she would be about 59 or 60 if she were living now?

A Yes sir.

Con't Byrd's Article: The applicant applies for the enrollment of himself and wife and eight children; he states that he is not a grand-son of the Rev. Evan T. Jones, a white missionary, who is said to have been admitted to full rights as a Cherokee by blood; by the Cherokee council; he has not a copy of the act of admission of his grand-father, and the commission is unable to consult the original records at this time; his father and mother died before the roll of 1880 was made; he states that he has lived in the Cherokee Nation ever since he was about 6 years old, with the exception of some time like a year and a half, which he spent in Colorado for his health, and which included the time when the roll of 1880 was made; he is not therefore on the roll of 1880, neither he nor his children are identified on the roll of 1894; he and his children are identified on the roll of 1896 as "Richard Bird and children". It appears reasonable that this includes the 7 children first named in the testimony; the applicant and these seven children will be listed upon a white card for further consideration, and for the present they will be designated in accordance with the legal status that is said to have been imparted to them by the act of the Cherokee council, of Cherokee by blood; he is classed on the roll of 1880 as a Cherokee by blood; he is, however, exclusively of white blood; when he produces a certificate of the birth of his youngest child, Ruby May, this child also will be listed with him on a white card and classed as a Cherokee by blood; his wife is not identified on any roll; but if the council conveyed

to him blood rights, she would be entitled to enrollment as a Cherokee by adoption, and for the further consideration of her application she will be placed on a doubtful card as a Cherokee by adoption; and he is desired to furnish the Commission with a copy of his license and certificate of marriage; or at least of his marriage certificate; ~~which is not within~~

The applicant now produces a certificate of marriage, showing that he was married to Jane M. Williams, at Casey in the State of Kansas on the 30th day of November 1884, by S.M. Smith, Justice of the Peace. This is identified and being an illuminated copy, it is returned to the applicant; the applicant states that neither he nor his wife were ever previously married.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green
Subscribed and sworn to before me this 12th day of November 1900.

C. A. Shuler

Commissioner.

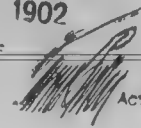
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 22 1902



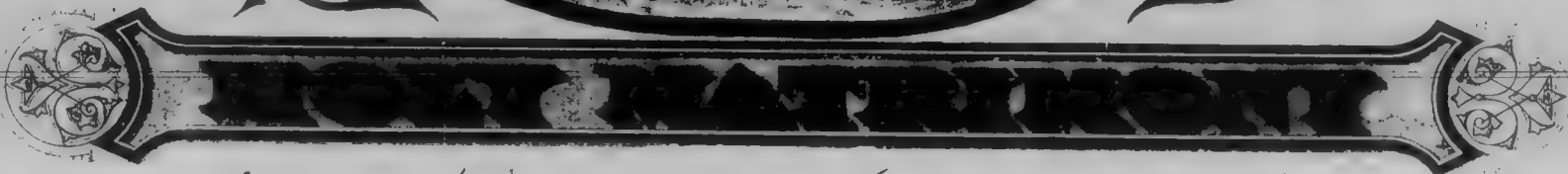
ACTING CHAIRMAN

MARRIAGE CERTIFICATE.

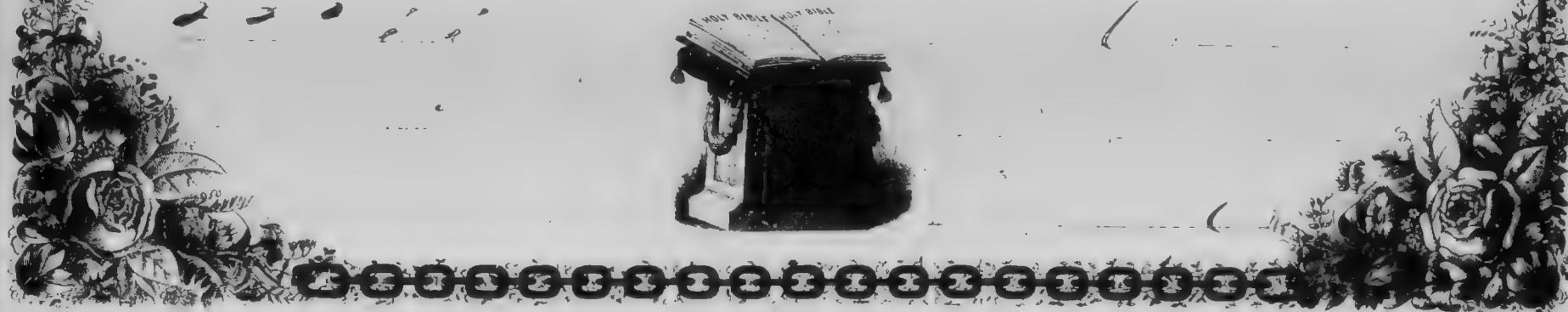


This Certifies
THAT

AND



According to the ordinance of God and the Laws of the
State of _____ at _____ on the
day of _____ in the year of Our Lord 188



Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
RICHARD C. BYRD, ET AL., as citizens of the Cherokee Nation, intro-
duced on part of applicants:

The applicant was notified by registered letter February 18, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902. Receipt was acknowledged of Commission's letter, and on said date, to-wit: the 10th day of March, 1902, the case was called and by agreement the same was continued until the 11th day of March, 1902. The same is this day, to-wit: the 11th day of March, 1902, called and applicant appears in person and by his Attorney, E. B. Lawson:

Mr. W. W. Hastings, Cher. Rep've, present.

MILES C. JONES, being duly sworn, testified as follows
on part of Applicant:

MR. LAWSON:

- Q State your name? A Miles C. Jones.
Q Where do you live, Mr. Jones? A I live at Dewey, Indian Ter-
ritory, Cherokee Nation.
Q Are you acquainted with Richard Byrd and his family, applicants
here? A I am.
Q What relation is Richard C. Byrd to yourself? A He is my nephew
Q Well, tell us how he is your nephew? A Well my sister was his
mother.
Q What was your sister's name; that is, his mother's name?
A Her maiden name was Pauline D. Jones.
Q Was Pauline D. Jones, the mother of Richard Byrd? A Yes, sir.
Q What was Richard Byrd's father's name? A His name was
Richard Byrd also.
Q Do you know when they were married, this Pauline D. Jones and
Richard Byrd, the father and mother of this applicant, Richard Byrd?
A I think it was in 1859, but I would not be right positive about
that; it was right close to it. I am almost positive too.
Q Did you know Evan Jones and J. B. Jones? A Yes, sir; Evan
Jones was my father and J. B. Jones was my brother.
Q What relation were Evan Jones and J. B. Jones to Pauline D. Byrd,
the mother of this applicant? A Evan Jones was her father and
John B. Jones was her brother.
Q Do you know about the time that Evan Jones and J. B. Jones were
admitted to citizenship in the Cherokee Nation? A Yes, sir; it
was in 1865, in November.

Mr. Lawson: At this time the attorney for the applicant
desires to introduce in evidence a copy of a resolution and an
Act granting citizenship to Evan Jones and son, J. B. Jones,
and their families; which Act can be found in the laws of
the Cherokee Nation passed during the years 1839 to 1867,
compiled by the authority of the National Council, and can
be found on pages 118 and 119 of said laws:

"Resolved, by the National Council, That our sincere
thanks are hereby tendered to the Baptist Missionary Society
of Boston. It is now more than forty years since the mission-
aries of that society came into the Cherokee Nation. When the
Cherokees were poor and covered with darkness, light with regard

to the other world was brought to us by Evan Jones, and at a later date by his son, John B. Jones. And we do bear witness that they have done their work well, and that they have striven to discharge the duties incumbent upon them, in doing good to the people and performing faithfully their duties to God. And we do bear witness that their work was highly prosperous up to the time when they were driven out of our country by the United States agent, in 1861. And now, after the close of the war, we are informed that the Missionary Society have determined to resume their work in the Cherokee Nation. For this determination were hereby return them our thanks; and we hereby declare that it is our desire that they will more strongly than ever push ~~in~~ forward their work of enlightening our land. And we do further declare that we hold in high esteem Evan Jones and his son, J. B. Jones: now, therefore,

Be it enacted by the National Council, That Evan Jones and his son, J. B. Jones, be and they are hereby admitted to citizenship in this Nation, together with their families, and all the rights allowable to white men under the constitution are hereby granted to them. Our object in so doing is that our people may be instructed by them in good morals and general intelligence.

Tahlequah, C. N., November 7, 1865. President
(Signed) Smith Christie, ~~President~~ National Com.
H. D. Reese, Clerk National Com.
Approved.

Lewis Downing,
Acting Principal Chief.

N.B.--The above resolution and act is transcribed from a certified copy taken by H. D. Reese as Clerk of the National Committee, and furnished me this date.

November 19, 1867.

W. P. Boudinot, Compiler.
To the National Council."

Mr. Hastings: The representatives of the Cherokee Nation now object to the filing of the above resolution and act and move that the same be stricken from the record for the reason that it does not show that the above Act was ever passed by the National Council, nor does it purport to show that the same was ever passed by the National Council as it is only signed by Smith Christie, President of the Council Committee, and it is not signed by any other officers of the other branch of the National Council.

Second: The note shows that it was not taken from any official records of the Executive Department but taken only from the records of that branch of the National Council through which the resolution and Act evidently passed.

Third: If it did pass it conferred no rights whatever on the applicant because it does not purport to give any other rights than those enjoyed by white men under the constitution of that date, viz: November 7, 1865, and the word white-men is not contained in the constitution of the Cherokee Nation as of that date.

Commission: The objection of the Cherokee Nation to the introduction of the Act above quoted will be noted and the Act considered for what it is worth.

Mr. Lawson: We desire to introduce in evidence the marriage certificate of Richard C. Byrd and Jane M. Williams, dated 30th day of November, 1862.

Mr. LAWSON of Witness:

Q This Name M. Williams mentioned in the marriage certificate, is that the present wife of Richard C. Byrd, the applicant? A It is.

Q Richard C. Byrd was never married before? A No, sir.

Q Was his wife ever married before? A No, sir.

Q Do you know whether or not Richard C. Byrd has exercised the rights of suffrage here in the Cherokee Nation since he became of age? A He has.

Q At all times since he became of age? A Yes, sir.

Q You know whether or not the Cherokees ever recognize him as a citizen of the Cherokee Nation? A I never heard anybody dispute it.

Q Well, has he been recognized as a citizen of the Cherokee Nation?

A Yes, sir; he has been voting and various ways.

MR. HASTINGS:

Q Where was he married? A I think he was married in Caney, Kansas.

Q Where has he been living since his marriage? A He has been living in the Cherokee Nation.

Q All the time? A Yes, sir.

Q Has he since that time ever resided in the State of Kansas?

A No, sir.

Q He has lived continuously all the time in the Cherokee Nation?

A All the time in the Cherokee Nation.

Q He was not living here in 1880? He was away, well he was here in 1880, the very latter part of the year though; he went to Colorado my recollection is in '78, and returned in '79; I know he came back to my house just before the holidays.

Q That is your recollection of it? A Yes, sir.

Q Where is he living now? A Living on Fish Creek, near Dewey.

Q Has he lived right there since his marriage? A No, not all the time; he lived on Cotton Creek part of the time and moved on Fish Creek and has been there ever since.

MR. LAWSON:

Q You stated that he returned here from Colorado in 1879?

A Yes, that is when it was; I moved up to where, up into that part of the country in '79, in the spring, and he came back to my place there just before holidays, that same year.

Q That is your recollection of it? A Yes, sir.

Mr. Lawson: The Attorney for the applicant requests ten days in which to file certified copies of any laws or acts relative or pertaining to this application that he sees fit to file in behalf of the applicant.

Commission: The attorney for the applicant requests and will be granted 20 days to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

Attorney for the applicant and the representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of stenographic notes thereof.

J. O. Rossen

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Muskogee, I. T. May, 16, 1908.

In the matter of the application of
Richard C. Byrd et al for enroll-
ment as citizens of the Cherokee Nation.

Cherokee D. 780.

BRIEF ON THE PART OF THE CHEPOKME NATION.

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The testimony shows that the applicant is a son of Paulina Byrd, nee Jones; he is a white man as is also his wife and their children; he claims citizenship through his grandfather, Evan T. Jones by an act of the National Council of date of November, 7, 1865. With reference to this act of the National Council the Cherokee Nation insists:

First, that the act itself shows that it never passed both branches of the National Council, and therefore it was never legally an act of the National Council and binding upon the Cherokee Nation. It will be observed from the note appended from this act by the compiler that it was not taken from the records of the executive department of the Cherokee Nation, but was handed to the compiler by H. D. Pense, clerk of the National Committee; it will be observed that this H. D. Pense was clerk of the National Committee when this act was passed, but it is nowhere shown that the act passed through this branch of the National Council.

Second, the testimony in this case shows that the applicant was born in 1861, therefore he and his father were not members of his grandfather's family in 1865, and the testimony further shows that he was born in Little Rock, Arkansas, and that he came to the Cherokee Nation when he was about six years of age, therefore they were not members of Evan T. Jones' family at that time, and were not included within the provisions of the act of the National Council even if it is held to be a legal act.

Third, the Cherokee Nation contends that it conferred no rights whatever upon Evan T. Jones, or John B. Jones, or their families for the reason that it only attempted to give them "all rights of white men allowable under the constitution", and by reference to the constitution of that date, white men were not entitled to any rights at all; and it should be observed that the amendments of the constitution granted to white men no rights in the Cherokee Nation were passed on November, 26, 1866, or more than a year after the alleged passage of this act, hence we contend that this act granted them no rights whatever, but in the event that it is held that the act was legal, and in the event that it is held that Paulina Byrd, nee Jones although she in 1865 married and a citizen of Little Rock, Arkansas, she forfeited those rights by intermarriage with a white man, the father of applicant, who is a citizen of Arkansas, and who never became a citizen of the Cherokee Nation.

We desire further to call attention to the fact that if the Commission should decide that the above act was a legal one, and admitted the applicant's mother to citizenship in the Cherokee Nation with all rights allowable to white men, that it did not confer any rights upon her children, because those rights are not descendable rights, but the rights granted were personal to the parties themselves. We are born out in this contention by the records, which disclose the fact that the name of the applicant does not appear upon the authenticated roll of 1880, and neither does his name, nor the names of any of his children appear upon the pay roll of 1894. We insist that we do not believe that this man is entitled to enrollment; his mother was never admitted, neither was he admitted; his wife is a white woman; his children have no Cherokee blood in them; the act admitting his grandfather was never a legal act, and if it were legally passed it gave him no rights, because the words "white man" are not found in the constitution of that date, and if it did confer any rights upon him, it was personal and not descendable, and the mother of applicant was not a member of that family, but a resident of Little Rock, Arkansas, where the applicant was born, and where he resided until he was about six years of age.

Respectfully submitted,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Richard C. Byrd for the enrollment of himself, his wife, Jane M., and his minor children Josie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L. and Ruby M. Byrd as citizens of the Cherokee Nation.

D E C I S I O N .

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The record in this case shows that on November 12, 1900, Richard C. Byrd appeared before the Commission at Claremore, Indian Territory and made personal application for the enrollment of himself, his wife Jane M., and his minor children, Josie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L., and Ruby M. Byrd as citizens of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on March 11, 1902.

The evidence in this case shows that Richard C. Byrd claims the right to be enrolled through his mother, Pauline D. Jones. Pauline D. Jones was the daughter of Evan T. Jones, a white man, who, with his family, was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on November 7, 1865. Jane M. Byrd, the wife of the principal applicant is a white woman, married to him in 1884, and the above named children, for whom application is made are the issue of that marriage. Richard C. Byrd has resided in the Cherokee Nation since he was six years old and he and his seven older children are identified on the Cherokee Census roll of 1896. The youngest child, Ruby M. is identified by a birth affidavit on file with this Commission.

The evidence further shows that Pauline D. Jones, mother of the applicant, had married prior to the admission of her father, Evan T. Jones, to citizenship in the Cherokee Nation, and that she and her children could not be considered members of the family of the said Evan T. Jones in contemplation of the Act admitting him and his family in 1865.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the names of Richard S. Byrd, his wife Jane M. Byrd and the seven older children are upon the tribal rolls of 1890 without authority of law; that the application for the enrollment of Richard S. Byrd, Jane M. Byrd, Jessie S. Byrd, Ethel M. Byrd, Maggie A. Byrd, Nina M. Byrd, Richard A. Byrd, Laura J. Byrd, Hilco L. Byrd and Baby M. Byrd as citizens of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tama Bixby
Acting Chairman.

T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

Noted at Muskogee, I. T.

this NOV 20 1902

Resolution and an act, Granting citizenship to Evan Jones and son J. B. Jones, and their families.

Resolved by the National Council: That our sincere thanks are hereby tendered to the Baptist Missionary Society of Boston. It is now more than forty years since the Missionaries of that Society came into the Cherokee Nation. When the Cherokees were poor and covered with darkness, light with regard to the other world was brought to us by Evan Jones and at a later date by his son John B. Jones. And we do bear witness that they have done their work well, and that they have striven to discharge the duties incumbent upon them, in doing good to the people and performing faithfully their duties to God. And we bear witness that their work was highly prosperous up to the time when they were driven out of the country by the United States Agent in 1861. And now after the close of the war we are informed that the Missionary Society have determined to resume their work in the Cherokee Nation. For this determination we hereby return them our thanks and we hereby declare that it is our desire that they will more strongly than ever push forward their work of enlightening our land. And we do further declare that we hold in high esteem Evan Jones and his son J. B. Jones. Now therefore:

Be it Enacted by the National Council: That Evan Jones and his son J. B. Jones, he and they, are hereby admitted to citizenship in this Nation, together with their families, and all the rights allowable to white men under the constitution are hereby granted to them.

Our object in so doing is that our people may be instructed by them in good morals and general intelligence.

(Signed) Smith Christie, President National Com.

H. D. Reese, Clerk National Com.

Approved: Lewis Downing,
Acting Principal Chief.

N.B. The above resolution and act is transcribed from a certified taken by H. D. Reese, Clerk of the National Committee and furnished me this date.

November 19, 1867.

W. P. Boudinot.
Compiler.

To the National Council.
Executive Office Cherokee Nation,
Tahlequah, I. T.

I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is copied from a volume of the Cherokee Statutes published in 1868, as appears from title, or first part of said book, found in this office. Given under my hand and the seal of the Cherokee Nation this the 10th day of March, 1902.

B. W. Alberty,
Assistant Executive
Secretary, Cherokee Nation.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 25, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

(SIGNED) P. G. Reuter.
Chief Clerk Cherokee Division.

(SEAL)

Sworn to and subscribed before me this 25th day of November, 1902.

(SIGNED) B. C. Jones,
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Richard C. Byrd, for the enrollment of himself, his wife, Jane N., and his minor children, Jessie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L., and Ruby M. Byrd as Citizens of the Cherokee Nation.

State of Washington,

County of Pierce.

Joanna ^{or} Heard being first duly sworn on her oath states that her post office address is Tacoma, Washington; that she is 62 years of age; that she is acquainted with Richard C. Byrd; that the said Richard C. Byrd, the applicant herein is her Nephew, he being the son of her Sister, Pauline D. Jones.

Affiant states that she is the Daughter of Evan Jones, a Cherokee Baptist Missionary, who was admitted to Citizenship in the Cherokee Nation in 1865.

Affiant states that Pauline D. Byrd the Mother of this applicant died in the year 1861 or 1862; that at the time of the death of the said Pauline D. Byrd this applicant, Richard C. Byrd was only about one year old; that immediately after the death of the said Pauline D. Byrd, the Father of this Affiant and of the applicants Mother took the applicant, Richard C. Byrd into his own family.

That said Richard C. Byrd lived with the said Evan Jones as a member of his family and was looked after and cared for by the said Evan Jones as member of his family from the year 1862 until the death of the said Evan Jones; that the applicant Richard C. Byrd was a member of the family of the said Evan Jones on the date and at the time of the admission of Evan Jones to Citizenship in the Cherokee Nation on November 7th 1865.

Subscribed and sworn to before me this 16th day of December 1902.

Joanna Heard
Testimony

Holmes Public

Residing at Tacoma
Wash

"Exhibit A"

Department of the Interior,
Commission to the Five Civilized Tribes.

Newata, I. T. Dec. 24th 1902.

In the matter of the application of Richard C. Byrd, for the enrollment of himself, his wife, Jane N. Byrd, and his minor children, Jessie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L., and Ruby M. Byrd as Citizens of the Cherokee Nation.

PROTEST OF THE APPLICANTS.

Comes now the applicants above named and protests against the decision of the Commission rendered in this case on November 20th 1902, and asks that the same be forwarded to the Honorable Secretary of the Interior, together with the Briefs filed in the said case.

G. B. Fawcett
Attorney for the applicants.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Richard C. Byrd for the enrollment of himself, his wife, Jane M. Byrd, and his minor children, Josie P. Byrd, Ethel M. Byrd, Maggie A. Byrd, Ella M. Byrd, Richard A. Byrd, Laura J. Byrd, Miles L. Byrd and Ruby M. Byrd, as Citizens of the Cherokee Nation.

Petition for rehearing.

The undersigned, Counsel for the applicants herein, respectfully asks for a rehearing of this case.

The true state of the case, as exhibited by the record, is this; Richard C. Byrd is the Grandson of Rev. Evan Jones, who was admitted to Citizenship in the Cherokee Nation by the Cherokee National Council on the 7th day of November 1865.

Jane M. Byrd is the wife of Richard C. Byrd and was married to him according to law, and the other applicants are the children of Richard C. Byrd and Jane M. Byrd.

It seems from the testimony taken in this case that Richard C. Byrd is the Son of Pauline D. Jones; that Pauline D. Jones was the Daughter of Rev. Evan Jones.

It seems from the evidence that Pauline D. Jones, the Mother of the Applicant, Richard C. Byrd was married to the Father of the Applicant, Richard C. Byrd about the year 1859 or 1860.

The testimony of the Applicant, Richard C. Byrd shows that his Mother died about the year 1862 or 1863, but it is nowhere shown in the evidence where the Applicant, Richard C. Byrd lived during the time intervening between the death of his Mother in 1862 or 1863 and the admission of his Grandfather and his Family to Citizenship in the Cherokee Nation on November 7th 1865.

The Applicant, Richard C. Byrd was too young at that time to remember where he made his home, and the witness Miles C. Jones, who testified in his behalf, was also too young to remember where he lived during that time.

The fact of the matter however is that immediately after the death of his Mother, Richard C. Byrd was taken charge of by his Grand-Father, Rev. Evan Jones, and lived with the said Evan Jones from the time of the

death of his Mother in 1862 or 1863 until the death of his Grand-Father, the Rev. Evan Jones; that he was a member of the Family of the Rev. Evan Jones at the time of the admission to Citizenship in the Cherokee Nation of the said Rev. Evan Jones and his Family.

In support of the statement that said Richard C. Byrd, the Applicant was a member of the Family of the Rev. Evan Jones on the 7th day of November 1865, we have attached hereto the affidavit of "Joanna Hard", a sister of Richard C. Byrd's deceased Mother, to which affidavit reference is hereto made, said affidavit being marked "Exhibit A" and made a part hereof.

We suppose that the Commission in rendering their opinion in this case were not fully advised that said Richard C. Byrd lived with the Rev. Evan Jones at the time of the admission of the said Evan Jones to Citizenship in the Cherokee Nation in 1865, else their decision would have been rendered in favor of the Applicant herein.

The only question in this matter is was the Applicant, Richard C. Byrd a member of the Family of Rev. Evan Jones on the 7th day of November 1865? If he was then the said Richard C. Byrd and all the Applicants herein are entitled to be enrolled as Citizens of the Cherokee Nation, Indian Territory.

The Act admitting to Citizenship in the Cherokee Nation the Rev. Evan Jones and his Family was certainly broad enough in its sense to show that it was the intention of the Cherokee Nation to make said Jones and his Family part and parcel of the said Cherokee Nation.

For more than thirty six years the Applicant, Richard C. Byrd has been recognized by the Cherokees themselves as a Citizen of the Cherokee Nation, and has always lived in the Cherokee Nation and made it his home.

We believe that in justice to the Applicants they should be allowed to show that the Applicant, Richard C. Byrd, was a member of the Family of Rev. Evan Jones at the time of his admission to Citizenship in the Cherokee Nation, if such was the case.

We believe that if the Cherokees themselves wanted Evan Jones and his Family as Citizens of the Cherokee Nation, and the Act admitting them to Citizenship shows that they did, that then it would be an injustice to the Cherokees themselves not to enroll them now.

We believe that in justice to all parties, if Richard C. Byrd lived with and was cared for and watched over by Rev. Evan Jones, his Grandfather, from the death of Richard C. Byrd's mother in 1882 or thereabouts that he should be enrolled, as he was a member of the Rev. Evan Jones, and was one of the parties in contemplation by the Cherokee when the Act of November 7th 1885 was passed.

For the reasons stated herein, we believe that the Applicants are entitled to a rehearing of this cause.

Eugene B. Lawren
Attorney for the Applicants.

Indian Territory,

Northern District,

Richard C. Byrd being first duly sworn on his oath states that he is one of the Applicants named herein; that he has heard read the state-ments contained in the foregoing petition and that the same are true as he verily believes.

Richard C. Byrd

Subscribed and sworn to before me this the 2 day of January 1903.

Ben J. Francis
Notary Public

My commission expires 11-4 1903

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 31, 1903.

In the matter of the application of RICHARD C. BYRD, for the enrollment of himself, his wife JANE M. BYRD, and his children, JOSIE P., ETHEL M., MAGGIE A., ELLA M., RICHARD A., LAURA J., MILES L. and RUBY M. BYRD, as citizens of the Cherokee Nation by adoption:

Appearances:

E. B. Lawson, Esq., for the applicants;
J. C. Starr, for the Cherokee Nation.

JOANNA HARD, being first duly sworn, and examined, testified as follows:

Examined by Mr. Lawson:

- Q State your name? A My name is Mrs. Joanna Hard.
Q Where do you live Mrs. Hard? A In Tacoma, Washington.
Q Are you acquainted with Richard C. Byrd, the applicant here?
A I am.
Q What relation, if any, is he to you? A He is my nephew, my sister's son.
Q What was your father's name? A Evan Jones.
Q And what was your sister's name, the mother of the applicant Richard C. Byrd? A Pauline D. Jones previous to her marriage to R. C. Byrd.
Q Is the Evan Jones you speak of the same Evan Jones that was admitted to citizenship in the Cherokee Nation in 1865?
A He was.
Q Where was Evan C. Jones living when he was admitted to citizenship in 1865? A His family were living in Lawrence, Kansas.
Q When did you first get acquainted with the applicant Richard Byrd here and where was he? A At the old Baptist Mission in the Cherokee Nation, when he was a boy six months old.
Q Do you remember what year that was? A I think it was 1860.
Q With whom was he there? A With his parents R. C. Byrd and his wife.
Q How long did they stay in the Cherokee Nation then?
A They stayed over that time until the spring of 1863.
Q Where did they go in the spring of 1863?
A Little Rock, Arkansas.
Q Did they take the applicant R. C. Byrd with them?
A Yes sir.
Q Well then, after that time, where did you next see Richard C. Byrd, the applicant? A I saw him in Little Rock, Arkansas.
Q How came you to see him there? A I went for him after his mother's death.
Q When did his mother die? A She died in September of 1863.
Q When did you go to Little Rock?
A I went in the early part of November.
Q At whose instance did you go to Little Rock after him?
A At the instance of my father.
Q Reverend Evan Jones? A Yes sir.
Q What did you do when you went to Little Rock?
A Called for the boy.
Q What did you do with him then? A I brought him with me to my father's home in Lawrence, Kansas.
Q That was in November, of 1863? A Yes sir.

- Q Well, when did your father remove with his family down to the Cherokee Nation again? A I think it was in--the first time he went I think was in 1866, just after the close of the war.
- Q Well, with whom did Richard C. Byrd live from 1863 to 1866, the time that they moved down to the Cherokee Nation?
- A Lived with his grandparents Rev. Evan Jones and his wife.
- Q Then, from 1866 until your father died, with whom did Richard C. Byrd live? A With his grand parents.
- Q Your father and mother? A My father and mother.
- Q With whom was he living in November, 1865?
- A With my father and mother Rev. Evan Jones.
- Q Who was looking after and caring for him at that time?
- A Rev. Evan C. Jones, and wife.
- Q When did Richard C. Byrd's father die?
- A As near as I can recollect it was in the summer of 1865.
- Q And when was Evan C. Jones and his family admitted to citizenship?
- A In November, 1865.
- Q And I believe you stated that he commenced living with Evan C. Jones and family in November, 1863? A Yes sir.
- Q And where were they living then? A At Lawrence, Kansas, at that time.
- Q When did your father die? A In 1872.
- Q Where did he die? A He died at Tahlequah, Indian Territory.
- Q Living there at that time? A Yes sir.
- Q I believe you stated that from the time, from 1863, the time you went to Little Rock and brought Dick Byrd to Lawrence, Kansas, that Dick Byrd lived with your father and mother on up until your father and mother died? A Yes sir.
- Q Which died first? A My father.
- Q Where did your father die? A He died at Tahlequah.
- Q You are not a claimant for citizenship here are you Mrs. Hard?
- A Not at all.
- Q You have never lived in the Cherokee Nation since your father was admitted to citizenship? A No sir, never.
- Q Do you know where Richard C. Byrd has lived from the time your father removed with him to the Cherokee Nation up to the present time? A The principal part of the time he was living in the Indian Territory, for a short time he was in Colorado.
- Q About how long was he in Colorado? A Not quite two years.
- Q Do you know what years they were? A 1879 and 1880.
- Q What was he doing there in Colorado?
- A He was teaching school part of the time and part of the time he was at work.
- Q Do you know what time of the year he came back here in 1880?
- A In December.
- Q Between the time then, in 1863, from 1863 up to the death of your father in 1872, who was supporting and looking after Richard C. Byrd? A Rev. Evan Jones.
- Q Was he a member of the Rev. Evan Jones' family from 1863 up to the time of his death in 1872? A He was.
- Q Looked upon and recognized as one of the family there?
- A Just as his own child.
- Q What relation in fact was he to Evan Jones?
- A He was his grand-son.

Examined by J. C. Starr:

- Q What was the name of Richard C. Byrd's father?
- A Richard C. Byrd.
- Q Senior? A Senior.
- Q Where was he living at the time Richard C. Byrd, Jr., the applicant, was born? A In Little Rock, Arkansas.

Q Where did the applicant's mother, Pauline Byrd, live until she died; where was she living when she died? A At Little Rock.
Q Do you know the date of her death? A I don't know the date of her death; I don't know the day of the month, but I know the month and year. It was in September, 1863.
Q Where did applicant's father continue to live after that? A It was during the war and I couldn't say whether he was in Little Rock all the time or not.
Q Where was he living at the time of his death? A He was in Little Rock, Arkansas.
Q When did you say he died there? A Sometime in the summer of 1865.
Q How do you fix that date? A Because I received a letter from his second wife after his death, but I can't remember whether she gave me the date, the day of the month in which he died or not, but it was the latter part of the summer of 1865.
Q How do you fix the year as being 1865? A Because I knew it was the year before I was married, and I was married in 1866.
Q How long after his death was it before you received the letter you spoke about? A I can't give you the exact time, but it was within a short time, because his wife wrote and told me about it.
Q The way I understand you is you fixed the date of his death, the death of applicant's father, by this letter you received?
A Yes sir.

By the Commission:

Q At the time you went to Arkansas for this applicant, when he was a child, his father was still living? A Yes sir.
Q Living there at Little Rock? A He was not in Little Rock when I went for him.
Q You didn't see him when you went there? A No sir, he was in the army, and I didn't see him.
Q And you brought the child home to your father? A I did.
Q He remained in the custody of your father until he died?
A He did.
Q You never saw the father of this applicant after that visit to Little Rock did you? A I never did.
Q How long had his mother been dead when you went down there after this boy? A She died in September, and this was in November.
Q You went down there at your father's request? A I did.
Q To bring the boy to him? A Yes sir.
Q Your mother was then living? A She was.
Q When did you leave this country did you say?
A I went with my father's family at the beginning of the war. I never returned to this country as a resident after the war.

.....

RICHARD C. BYRD, being first duly sworn, and examined, testified as follows:

Examined by Mr. Lawson:

Q State your name? A Richard C. Byrd.
Q You are an applicant for citizenship here Mr. Byrd?
A Yes sir.
Q This John M. Byrd is your father? A Yes sir.
Q How many children have you? A We made application for eight children I think.
Q Those eight children are still living? A Yes sir.
Q Living with you? A Yes sir.
Q Where?

A I reside on Fish creek about eight miles west of Bartlesville.

Q Cherokee Nation, Indian Territory? A Yes sir.

Q How long have you lived in the Cherokee Nation?

A I don't know; I have lived here always I guess, it seems to me like ever since I was very small.

Q Do you remember your father or mother? A No sir.

Q Who raised you Mr. Byrd from the time you were a small boy until you were eight or ten years old? A My grandfather and grandmother raised me.

Q Where do you first recollect of living with them?

A The first recollection I have of anything was in Lawrence, Kansas.

Q Were you living with your grandfather and grandmother at that time? A Yes sir.

Q What were their names? A Evan Jones was my grandfather's name. And my grandmother's name was Pauline Jones.

Q Then you came to the Cherokee Nation with them? A yes sir.

Q You were small at that time? A Yes sir.

Q Have you lived in the Cherokee Nation ever since?

A Yes sir; I have made it my home; I have been out of the Territory once or twice.

Q When were you out of the Territory?

A Well, the longest time I have been out was when I went to Colorado, the only time I was out for any length of time at all.

Q When was that Mr. Byrd? A That was in 1879 I believe.

Q How long did you stay out then? A Why I stayed out there, I expect it was about twenty months.

Q For what purpose did you go out there? A I first went out for my health, and to go to school, and my aunt here Mrs. Hard resided there in Pueblo, and I went out there and went to school. a while, and worked for my uncle.

Q And you came back to the Cherokee Nation in what month in 1880?

A It was in December.

Q And have lived here ever since? A Yes sir.

Q Your family were raised here? A Yes sir, all my children were born in the Cherokee Nation.

Q Been recognized as a citizen of the Cherokee Nation since that time? A Yes sir.

Q I believe you were enrolled on the 1896 roll, you and your family? A Yes sir.

Q What is the reason you are not on the 1880 roll Mr. Byrd?

A Well, I guess I wasn't here when the census was taken in 1880, I don't remember ever seeing the census takers.

Q What relation are you to Evan Jones? A Grandson.

Q Always voted here in the Cherokee Nation? A Yes sir, voted here in every election I ever went to.

Q Do you know what year you came back to the Cherokee Nation with your grandfather? A No sir, I don't remember what year it was.

Q With whom did you live after you came back here to the Cherokee Nation? A With my grandfather.

Q Rev. Evan Jones? A Yes sir.

Q Where? A At Fort Gibson and a good deal of the time at Tahlequah.

Q Fort Gibson and Tahlequah? A I don't know whether he lived at Tahlequah or not, but I believe he lived at Fort Gibson mostly.

Q These children are all by your wife Jane M., are they?

A Yes sir. I believe you stated they are all living at the present time?

A Yes sir. By the Commission?

Q You say you were married to your wife Jane in 1857?

A I don't think I was; it was 1884, aint it?

Q It was November 30, 1887, according to this marriage certificate. You were married in Kansas? A I was married in Caney, Kansas; but I thought it was in 1884.

Q This copy shows 1887. A It was the last day of November, 1884.

Q It was your first marriage, of course? A Yes sir.

Q Your wife, Jane, had never been married before either?

A No sir.

Q She is claiming her citizenship through her marriage to you is she? A I suppose so, yes sir.

Q She's a white woman isn't she? A Yes sir.

Q She doesn't claim citizenship from any other source? A No sir.

Q You and your wife have been living together ever since you were married? A Yes sir.

Q You say you have been living continuously in the Cherokee Nation since you were married, or shortly after you were married?

A Yes sir.

Q Where was your oldest child born? A On Cobb Creek, in the Cherokee Nation.

Q And you and your wife have been living in the Cherokee Nation continuously since your oldest child was born? A Yes sir.

.....

MILES C. JONES, being first duly sworn, and examined, testified as follows:

Examined by Mr. Lawson:

Q State your name? A Miles C. Jones.

Q What is your post office? A Dewey, I. T.

Q What relation, if any, are you to Richard C. Byrd?

A He is my nephew.

Q What relation are you to the witness Joanna Hard?

A She is my sister.

Q How old are you Jones? A My last birthday I was fifty eight years old I believe.

Q How long has Richard C. Byrd been living in the Cherokee Nation?

A Oh I think he called his home in the Cherokee Nation ever since 1866, or near that time.

Q Has he been in the Cherokee Nation since that time and recognized this as his home? A Practically all the time.

Q How long has he been out? A He was at Lawrence, Kansas, with my sister at school for a short time, and if my recollection serves me right this sister here lived in Chatopa for a few years, and I believe the folks let him stay there one season to go to school.

Q Well he has recognized the Cherokee Nation as his home ever since 1866? A Yes sir; I made the statement once before and I didn't get it correct, but after I went away and got to thinking about it, he left my house in January, 1879, and went to Colorado, at that time, and shortly after that I moved up on Cotton Creek, and my post office was Caney, Kansas, from that time on, and he returned there a short time before the holidays in 1880.

Q Since that time he has lived here in the Cherokee Nation?

A Always, he has never lived anywhere else.

Q Since his marriage he has lived here in the Cherokee Nation?

A Yes sir.

Q Do you know if he has been recognized as a citizen of the Cherokee Nation? A Yes sir.

Q Voted? A In every election he ever went to.

Q You are the son of Rev. Evan Jones? A Yes sir.

Q Where were Evan Jones and family living at the time they were admitted to citizenship? A In Lawrence, Kansas; well my father belonged to the army, but the family were living there.

Q With whom was Richard C. Byrd living in 1865?
A With my father's family.
Q Rev. Evan Jones? A Yes sir.
Q How long had he been living with them?
A Up to what date?
Q Before 1865, before November, 1865? A Well my sister went down to Little Rock in the fall of 1863 and brought this boy back there; I don't remember dates, only I remember it was in the fall or the early part of the winter.
Q He lived with them from the fall of 1863 up until they moved away from Kansas there? A Yes sir.
Q He was recognized as a member of your father's family?
A Always, yes sir.
Q From the time he was taken there in 1863 until the time of your father's death? A Yes sir.
Q Who looked after and cared for him during that time?
A Well, my mother and father always did.
Q He had no other home? A Had no other home after their death he made his home with me over to Fort Gibson, that's where I lived then.

By the Commission:

Q Do you know when Richard C. Byrd, Sr., the father of this applicant, died? A No sir, the first I heard of his death was in, to the best of my recollection, the first time I heard of his death was in the spring of 1866, and I heard it you see, I went back to live at Fort Gibson and Captain Nowlin was a steamboat man; I wasn't personally acquainted with him but other friends of mine was, and he brought a good many goods up there, but he lived in Little Rock and through him I learned that he had died, but I never did learn the date.
Q Did he ever come up to visit this boy? A No sir.
Q He never did? A No sir.

The Commission: The attorney for the applicants is allowed ten days within which to file a brief herein.

The Commission: It is agreed by and between the parties that no further testimony will be taken in this case, and that the record may be considered by the Commission.

.....
E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(SEAL)

(SIGNED) E. C. Bagwell.

Subscribed and sworn to before me this July 20, 1903.

(SIGNED) Samuel Foreman.

Notary Public.

Cher.
Suppl to D 780.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, Indian Territory, August 12, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript and that the same is a true and complete copy of the original in the matter of the application of Richard C. Byrd, et al., Cherokee D 780, now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this 12 day of August, 1903.

Charles H. Sawyer
Notary Public.

Cherokee D 780. 905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Richard C. Byrd for the enrollment of himself and his minor children, Jessie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L. and Ruby M. Byrd, as citizens of the Cherokee Nation.

DECISION.

The record in this case shows that on November 12, 1900, Richard C. Byrd appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself and his minor children, Jessie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L. and Ruby M. Byrd, as citizens of the Cherokee Nation, and for the enrollment of his wife, Jane M. Byrd, as a citizen by intermarriage of said Nation. The status of persons applying for enrollment as citizens by intermarriage of the Cherokee Nation not being fixed at this time, the application for the enrollment of Jane M. Byrd, as such, will not be passed upon, or considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 11, 1902. The record further shows that on November 20, 1902, the Commission rendered its decision in said case and forwarded the same to the Department of the Interior for approval; that the Department did not approve said decision, but on February 24, 1903, recommended the case for further hearing; that on March 31, 1903, further proceedings in the matter of said application were had at Vinita, Indian Territory.

The evidence shows that the applicant, Richard C. Byrd, a white man, is a grandson of one, Evan Jones, a white man; that the said Evan Jones and his son, J. B. Jones, together with their families, were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council, approved November 7, 1865; and that the said Richard C. Byrd was a member of the family of said Evan Jones, residing with him at the time of the latter's admission to citizenship, as above mentioned. The applicants herein are identified on the 1880 Cherokee census roll as Richard Byrd and children. It further appears that the said minor applicants are the children of said Richard C. Byrd, born since 1884.

-2-
The evidence further shows that the said Richard C. Byrd has resided in the Cherokee Nation from about 1866 up to and including the date of his application herein. The said minor children are considered to have always resided in the Cherokee Nation with their father.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Martha Hill, et al. (I. T. D. 3888-1903), that the said Richard C. Byrd, Jennie P. Byrd, Ethel M. Byrd, Maggie A. Byrd, Ella M. Byrd, Richard A. Byrd, Laura J. Byrd, Miles L. Byrd and Ruby M. Byrd should be enrolled as citizens of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 26, 1902 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman.

(SIGNED). T. B. Needles.

Commissioner.

(SIGNED). C. R. Breckinridge.

Commissioner.

Commissioner.

McKague, Indian Territory,

this NOV 23 1904

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee Indian Territory

In the matter of the application for the enrollment of Richard C. Byrd et al as citizens of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission dated November 23, 1904 in the above entitled case and asks that the same be forwarded to the Honorable Secretary of the Interior for Review.

The evidence shows that the applicant Richard C Byrd is a grand son of Evans P. Jones, a white man; That Richard C Byrd was born in 1861; that his mothers name was Paulina D Jones; that Evans Jones was a missionary and that he and his family were admitted to citizenship in the by a special act of the National Council of the Cherokee Nation on November 7th 1865 to all of the rights "Allowable to white men under the constitution."

We have heretofore filed a brief in this case protesting against the enrollment of Richard C Byrd in which we insisted that Richard C. Byrds mother had been married some years before Evans Jones was admitted to citizenship that he lived in the State of Arkansas at the time and was therefore not a member of the family of Evans Jones at the time Evans Jones was alleged to have been admitted to citizenship in the Cherokee Nation and in the second place we contend that in as much as the amendment to the Cherokee Constitution granting rights to white men was not approved until November 26th 1866; that on November 7, 1865, when Evans Jones was alleged to have been admitted to citizenship by granting him such rights as was "Allowable to white men under the constitution." That it conferred no rights upon Evans Jones because the constitution at that time did not even contain the words "Adopted white" and therefore gave them no rights.

For the reasons herein above stated and for the additional reasons contained in our brief heretofore filed in this case we respectfully protest against the second decision of the Commission dated November 23, 1904 and contend that the applicants should not be enrolled as citizens of the Cherokee Nation.

Respectfully,

W W Hastings

Attorney for the Cherokee Nation.

By -----

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Jane M. Byrd, as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, November 12, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Jane M. Byrd, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 11, 1902, and at Vinita, Indian Territory, March 31, 1903.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Jane M. Byrd, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation, other than such right as she may have acquired by virtue of her marriage to Richard C. Byrd, a recognized and enrolled citizen of the Cherokee Nation, by adoption, his name being found opposite No. 32705 on the approved partial roll of citizens of the Cherokee Nation, in the State of Kansas, November 30, 1884. Said applicant did not therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Jane M. Byrd, is not entitled, under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory

this FEB 19 1907

Before The Commission to The Five Civilized Tribes at Muskogee. I. T.

In the matter of the enrollment of Richard C. Byrd et. al. as
Citizens of the Cherokee Nation, Indian Territory.

Brief on the part of Applicants.

Comes now Richard C. Byrd, and wife, and children, constituting the
applicants herein, and represent to this Court that they claim citizenship
in the Cherokee Nation through one Evan Jones who was the Grandfather of
the applicant Richard C. Byrd.

Applicants represent that on the 7th day of Nov. 1865 The Cherokee
National Council admitted to citizenship in the Cherokee Nation The Rev.
Evan Jones and his son J. B. Jones and their families, a copy of the said
Act of Admission being filed in this cause and made a part hereof.

It is contended by the Counsel for the Cherokee Nation that the said
Act was not regularly passed but in reviewing other Acts passed at the
same time we find that they were passed in exactly the same manner as
the Act admitting to Citizenship Rev. Evan Jones et. al. and moreover
the Cherokee Nation never in any way produced any evidence whatever to
show that said Act was not regularly passed and made a law and we contend
that inasmuch as said Law is found in the acknowledged Statutes of the
law books of the Cherokee Nation, passed more than thirty years ago, that
the Cherokee Nation cannot now attack the legality of the passage of the
said law.

On page 119 of the Laws of the Cherokee Nation passed during the
years from 1839 to 1867, we find the said Act admitting to Citizenship
the said Evan Jones and his Son, J. B. Jones and their families, which
Resolution and Act reads as follows, to wit:- "Be it enacted by the Nation
al Council, That Evan Jones and his Son J. B. Jones be, and they are hereby
admitted to Citizenship in this Nation, together with their families,
and all the rights allowable to white men under the Constitution are
hereby granted to them".

Now we contend that the Mother of the applicant, Richard C. Byrd was
a member of the family of Evan Jones in fact that she was his Daughter,
and was included in the Act admitting to Citizenship the said Evan Jones.

The evidence shows that Richard Byrd and his Children have lived
in the Cherokee Nation all their lives; that said Richard Byrd has always

been recognized by the Cherokees themselves as a Citizen of the Cherokee Nation and has at all times used his rights of suffrage in the Cherokee Nation.

The Applicant, Richard C. Byrd testifies that his name cannot be found on the 1880 roll for the reason that when the 1880 roll was made he was in Colorado; that his health at that time was very poor and that he stayed in Colorado at that time about one year and a half to regain his health.

The names of his Children are not found on the 1880 roll for the reason that they were not born when the 1880 roll was made.

The name of applicant, Richard C. Byrd and all his children are found on the 1896 Census roll.

We contend that by the Act of November 7th 1865 the families of Evan Jones and J. B. Jones were admitted to Citizenship in the Cherokee Nation without any restrictions whatever and we assign for reasons for this belief that ~~§§ the said Act restricting~~ Evan Jones and J. B. Jones to the rights allowable to white men under the Constitution applied only to Evan Jones and J. B. Jones themselves.

In other words we contend that had the wives of either Evan or J.B. Jones died and they had afterwards married white men then they would have married themselves out of the Tribe, but this cannot be the case with their families for the reason that all the members of these families were admitted by the same Act and nothing in the said Act could be construed as applying to them.

The families of Evan Jones and J. B. Jones did not get their rights to Citizenship in the Cherokee Nation through intermarriage but by being adopted into the Indian Tribe.

It would not be reasonable to say that the Law existing in the Cherokee Nation at that time relative to the marrying out of an adopted Citizen could apply to the families of Evan Jones and J. B. Jones, and we claim that in its broadest sense the said Law relative to the marrying out of the tribe could not apply.

It must be born in mind that as late as 1896 in fact up to the present time the Cherokees have always recognized applicants as Citizens of the Cherokee Nation, and we now contend that the applicants are entitled to enrollment in any event, as the Statutes of limitations would run in this

case, and the Cherokee Nation would be debarred from protesting against the enrollment of the applicants.

Under the facts and the Law as we see them in this case, we believe the applicants are entitled to enrollment and that they have the same rights in the Cherokee Nation as Cherokees by blood as their Ancestors were regularly adopted by the Authorities of the Cherokee Nation.

Attorney for applicants.

Before the Commission to the Five Civilized Tribes, sitting at Muskogee, T. L.

In the matter of the application of Richard C. Byrd et. al. for enrollment as Citizens of the Cherokee Nation.

Additional and supplemental brief on part of the Applicants:

Come now Richard C. Byrd, Wife and Children, constituting the applicants herein, and represent to the Commission that the claim citizenship in the Cherokee Nation through one, Evan Jones, who was the Grand Father of the applicant, Richard C. Byrd.

Applicants represent that on November 7th 1865, the Cherokee National Council admitted to citizenship in the Cherokee Nation, the Rev. Evan Jones, and his Son, J. B. Jones, and their families, a copy of the said act of admission being filed in this cause and made a part of this brief.

It is contended by Counsel on part of the Cherokee Nation that the said Act was not regularly passed, but in reviewing other acts passed at the same time, we find that they were passed in exactly the same manner as the act admitting to citizenship Rev. Evan Jones et. al. and moreover the Cherokee Nation never, in any way, produced any evidence to show that said act was not regularly passed and made a law, and we contend that inasmuch as the said Law is found in the acknowledged Statutes of the law books of the Cherokee Nation, passed more than thirty years ago, that the Cherokee Nation cannot now attack the legality of the passage of the said law.

On page 119 of the Laws of the Cherokee Nation passed during the years 1849 to 1867, we find the act admitting to citizenship in the Cherokee Nation, the said Evan Jones and his Son, J. B. Jones, and their families, which resolution and act reads as follows, to-wit:- "Be it enacted by the National Council, that Evan Jones and his Son, J. B. Jones, be and they are hereby admitted to citizenship in this Nation, together with their families, and all the rights allowable to white men under the Constitution are hereby granted to them".

Now we contend from the evidence that the Applicant, Richard C. Byrd was a member of the Family of the Rev. Evan Jones, in fact he was living with said Jones, at the time of the said Jones admission to citizenship in the Cherokee Nation and was included in the act admitting to citizen

ship the said Evan Jones, et al.

The evidence shows that Richard S. Byrd and his children have lived in the Cherokee Nation all their lives; that Richard Byrd has always been known by the Cherokee people as a citizen of the Cherokee Nation and has at all times used his right of voting in the Cherokee Nation.

The Applicant, Richard S. Byrd testifies that his name is not on the roll of the Cherokee Nation, but that he has lived in the Cherokee Nation since he was born in Colorado; that his health at that time was very poor and that he came to the Cherokee Nation at that time about 1900 and has since endeavored to make his home there.

The evidence also shows that the said Byrd and his children were not born in the Cherokee Nation and that the said Byrd was not a citizen of the Cherokee Nation when he came to the Cherokee Nation.

The evidence of the Applicant, Richard S. Byrd and his children, are found on the Census roll of 1906.

The evidence also shows that by the act of November 2, 1908 the Cherokee Nation admitted J. R. Jones and Evan Jones to citizenship in the Cherokee Nation without any restrictions whatever and no reason for reasons for this belief that the said act restricting the said Evan Jones and J. R. Jones to the rights allowable to white men under the Constitution applied only to Evan Jones and J. R. Jones themselves.

In other words we contend that had the wives of either Evan Jones or J. R. Jones died, and that afterwards they had married white women, they would have married themselves out of the Tribe, but this cannot be the case with their families, for the reason that all the members of these families were admitted by the same act and nothing in the said act could be construed as applying to them.

The families of Evan Jones and J. R. Jones did not get their rights to citizenship through intermarriage, but by being adopted into the tribe.

It would not be reasonable to say that the law existing in the Cherokee Nation at that time relative to the marrying out of an adopted citizen could apply to the families of Evan and J. B. Jones and we claim that in its broadest sense the said law relative to the marrying out of the tribe could not apply.

It must be born in mind that as late as 1896 and in fact up to the present time the Cherokees have always recognized applicants as Citizens of the Cherokee Nation, and we now contend that the applicants are entitled to enrollment in any event, as the Statutes of Limitations would run in this case, and the Cherokee Nation would be debarred from protesting against the enrollment of the applicants.

In deciding the question the Commission should take into consideration the fact that Pauline D. Byrd, Mother of Applicant, Richard C. Byrd, and Richard C. Byrd, Father of Applicant, Richard C. Byrd, were both dead prior to the admission to Citizenship in the Cherokee Nation of Evan Jones and J. B. Jones and their families on November 7th 1865.

The fact of the matter is, as shown from the evidence, both the Father and Mother of the applicant, Richard C. Byrd died prior to November 7th 1865, and that after their death the applicant, Richard C. Byrd became a member of the family of the Rev. Evan Jones, and was living with the said Rev. Evan Jones at the time of the admission of the said Evan Jones and family to citizenship in the Cherokee Nation, Indian Ter. and continued to live with and be a member of and recognized as such member of the family of the Rev. Evan Jones from 1865 to 1875 or thereabouts or until the death of the said Evan Jones, which fact therefore constituted and made the applicant, Richard C. Byrd, a member of the Family of the Rev. Evan Jones, both in the legal and ordinary acceptation of the meaning of the word "Family".

And in support of the contentions made by the applicants herein we cite the following authorities:

Vol. I Bouviers law dictionary, we find the word "family" defined as follows: "all the individuals who live under the authority of an other".

154 Mass. 299, the law is laid down as follows, "a family consists of those who live under the same roof with the pater familias".

Anderson's dictionary defining the word "family" says, "a family has been defined as a collective body of persons living together in one house or within the curtilage"; citing *Ross VS Green* 50 Texas 483; and *Poor VS Hudson Ins. Co.* 2nd Fed. Rep. 438.

In *Whalen VS Cadman II* Iowa 226, and in *Thompson on homestead and exemptions*, 45, the law is laid down: "that if the law imposes on a per

son a unit, growing out of status, and not out of contract, the person
outside such unit is dwelling together in domestic establishment with the
unit to whom he owes it, in the head of a family".

In House No. 1000 and 7 U.S.A. 747, the law is laid down, "that the
relation of husband and wife or that of parent and child is not neces-
sary in order to constitute a family".

Nearly every authority of law bears out the contention of the appli-
cant, that Richard G. Byrd was a member of the family of the
Rev. Evan Jones within the meaning of the word "family" and we believe
that it was the intention of the Cherokee National Council at the time
it adopted the Rev. Evan Jones and his family as citizens of the Cherokee
Nation to include Richard G. Byrd, the applicant herein, as one of the
members of that family.

It must also be said that at the time the Rev. Evan Jones and his
family were admitted into the Cherokee Nation that they were living out-
side of the Cherokee Nation, having been driven outside the
limits of the Cherokee Nation during the war, and the said act was
passed in order to get the said Evan Jones and his family back into the
Cherokee Nation, and it must be born in mind that at the very time of the
passage of the said act, the said Richard G. Byrd, the applicant, was
an orphan of very tender years, living with and cared for and supported
by the Rev. Evan Jones, his Grand Father, and it certainly would have
been a great injustice to the said Rev. Evan Jones and to the applicant
Richard G. Byrd, not to have permitted said Richard G. Byrd to accompany
his Grand Father to the Cherokee Nation, and remain with, and to be cared
for and looked after, as it evidently was the intention of the said Evan
Jones, his said Grand Father, to do and as he did do.

To further support our contention in this matter the records of the
Commission to the Five Civilized Tribes will show that one, Mrs. _____
Jones of Vinita, I. T. the second wife, of J. B. Jones, who was admitted
with his Father, Evan Jones in 1865, although a white woman, was admitted
to Cherokee citizenship by the Commission to the Five Civilized Tribes,
without question of her rights, and the evidence in this case will further
disclose that the only rights by which she claims citizenship were by
and through her husband, J. B. Jones.

Under the facts and the law as we see it in this case we believe that the Commission erred in this case, in rendering the decision adversely to the Applicants, and we believe that the said decision should be reversed and the Applicants enrolled as citizens of the said Cherokee Nation.

W. B. Lawson
Atty. for applicants

Department of the Interior,

Commission to the Five Civilized Tribes,

In the matter of the application of Richard C. Byrd, for the enrollment of himself, his wife, Jane M. Byrd, and his minor children, Josie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., William L., and Ruby M. Byrd as Citizens of the Cherokee Nation.

Additional and Supplemental Brief on part of Applicant:-

Comes now the Applicant as above and files this as their additional and supplemental brief therein.

The Commission to the Five Civilized Tribes seems to have decided this case on the question of the definition of the word "Family", but in deciding the question the Commission did not take into consideration the fact that Pauline F. Byrd, the mother of Applicant, Richard C. Byrd and Richard C. Byrd, the father of Richard C. Byrd, the Applicant were both dead prior to the admission to Citizenship of the Rev. Evan Jones as a Citizen of the Cherokee Nation, Indian Territory, on November 7th 1865.

The fact of the matter is as is shown from the evidence both the father and the mother of Richard C. Byrd, the applicant herein, died prior to November 7th 1865, and that after their death the applicant, Richard C. Byrd became a member of the Family of the Rev. Evan Jones, and was living with the said Rev. Evan Jones at the time of the admission of the said Jones and his Family to Citizenship in the Cherokee Nation, Indian Territory, which fact therefore constituted and made the Applicant, Richard C. Byrd a member of the Family of the Rev. Evan Jones both in the legal and ordinary acceptance of the word "Family".

And in support of the contentions made by the Applicants herein we cite the following authorities.

Vol. I Bouviers Law Dictionary, we find the word family defined as follows, "Father, mother & Children". All the individuals who live under the authority of another."

154 Mass. 299 the law is laid down as follows, "A Family consists of those who live under the same roof with the pater familias."

Anderson's Dictionary defining the word family says, "a family has been defined as a collective body of persons living together in one house or within the curtilage." Citing, Roco VS Green 50 Texas 483 and Poor VS Hudson Ins. Co. 2nd Fed. Rep. 438.

In "Whalen VS Cadman II" Iowa 226, and in "Thompson on homestead and exemption 45 the law is laid down, "that if the law imposes on a person a duty, growing out of status, and not out of contract, the person owing such duty if dwelling together in domestic establishment with the person to whom he owes it is the head of a family."

In "Hoyer VS Drummond 7" L.R.A. 747 the law is laid down, that the relation of Husband & wife or that of Parent and Child is not necessary in order to constitute a family.

Nearly every authority of law bears out the contentions of the Applicants herein that Richard C. Byrd was a member of the family of the Rev. Evan Jones within the meaning of the word "Family", and we believe that it was the intention of the Cherokee National Council at the time it adopted the Rev. Evan Jones and his Family as Citizens of the said Cherokee Nation to include Richard C. Byrd the Applicant herein as one of the members of that Family.

We must bear in mind that at the time the Rev. Evan Jones and his Family were adopted into the Cherokee Nation that they were living outside of the limits of the Cherokee Nation, having been driven out of the said Cherokee Nation during the war and this Act was passed in order to get the said Evan Jones and his Family back into the Cherokee Nation, and it must be born in mind that at the very time of the passage of the Act the said Richard C. Byrd, the applicant was an orphan of very tender years living with and cared for and supported by the Rev. Evan Jones, his Grand-Father, and it certainly would have been a great injustice to both Rev. Evan Jones and to the applicant, Richard C. Byrd not to have permitted said Richard C. Byrd to accompany his Grand-Father to the Cherokee Nation and remain with him to be cared for and looked after as it was the intention of the said Rev. Jones, his Grand-Father to do and as he did do.

Under the facts and the law as we see it in this case we believe the Commission erred in rendering the decision they did, and we believe that said decision should be reversed and the Applicants enrolled as Citizens of the Cherokee Nation.

Ernest B. Laman
Attorney for Applicants.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

In the matter of the application for the enrollment of
Richard C. Byrd et. al. as citizens of the Cherokee Nation.

Comes now the above named applicants Richard C. Byrd et. al. and
state that in their opinion the decision of the Commission to the Five
Civilized Tribes admitting said applicants to citizenship in the Cherokee
Nation is correct and the only decision that could be rendered by
the said Commission under the law and the evidence.

The evidence showed that at the time of the admission to citizenship
in the Cherokee Nation of Rev. Evan Jones and J. B. Jones on the 7th
day of November 1865, the applicant Richard C. Byrd was a member of the
family of Rev. Evan Jones and lived with him and was cared for by him
at that time and for many years thereafter, or until the death of the said
Evan Jones: that at the time of the admission to citizenship in the Cherokee
Nation of Rev. Evan Jones the parents of the said applicant Richard
C. Byrd were dead and the said applicant Richard C. Byrd had no other
home than the home of the said Rev. Evan Jones.

The evidence shows that the applicants have always been recognized
as citizens of the Cherokee Nation ever since the admission of the said
Evan Jones to citizenship in the Cherokee Nation, and that the applicant
Richard C. Byrd has always exercised his right of suffrage in the Cherokee
Nation and has at all times been a recognized citizen of the Cherokee
Nation, I. T.

So far as the evidence shows the Act admitting to citizenship the
said Evan Jones was regularly passed and appears on the Statute books
of the laws of the Cherokee Nation and is a recognized Act of the National
Council of the Cherokee Nation, and inasmuch as there is no evidence to
show that said Act was not passed regularly then we contend that said
Act must be considered to have been regularly passed and regularly adopted.

We would respectfully call the attention of the Honorable Secretary

of the Interior to our brief heretofore filed in this matter and ask that the said brief made a part of this statement and considered with it.

We believe that justice, right, and the law, gives applicants citizenship rights in the Cherokee Nation and believe that the findings of the Commission to the Five Civilized Tribes admitting to citizenship the said applicants should be sustained.

Respectfully,

Attorney for the Applicants.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEELY
C. R. DODD KIRKHEAD

WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED IN DEPT. OF THE INTERIOR

Cherokee D-780.

Muskogee, Indian Territory, November 25, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

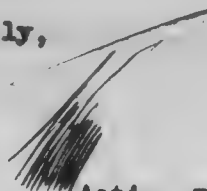
Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Richard C. Byrd for the enrollment of himself, his wife, Jane M., and his eight minor children, Josie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L. and Ruby M. Byrd, as citizens of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. H-143.

AMM 11-1-11
TAMM BISHOP
THOMAS B. NEEDLES
C. R. HERRICK
W. L. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-780

Muskogee, Indian Territory, March 12, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that a motion made by the attorney for the applicant in the case of Richard C. Byrd, et al., Cherokee case D-780, for a re-hearing in this case was, on February 24, 1903, granted by the Secretary of the Interior.

You are, therefore, hereby notified that the application of Richard C. Byrd for the enrollment of himself and family as citizens of the Cherokee Nation will be taken up for re-hearing, before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on March 31, 1903. Any further evidence which you may have to introduce in this case can be presented at that time.

Respectfully,



Chairman.

GRS

Office of
E. B. Lawson,
Attorney at Law.

Nimata, I. T. April 8" 1903

W. W. Hastings, Atty. for C. N.

Vinita, I. T.

Dear sir:- I am enclosing herewith copy of my additional and supplemental brief on part of applicants in matter of application of Richard C. Byrd et al. kindly acknowledge,

Yours very truly,

E. B. Lawson

COMMISSIONERS.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

WM. O. REALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-780.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 23, 1904, granting the application for the enrollment of Richard C. Byrd and his minor children, Josie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L. and Ruby M. Byrd, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-63.


Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee D-780.

Muskogee, Indian Territory, July 12, 1905.

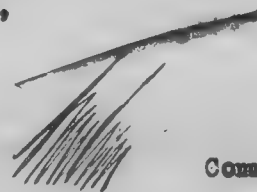
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Richard C. Byrd and his minor children, Josie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L., and Ruby M. Byrd, as citizens of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated November 23, 1904, granting said application, was approved by the Secretary of the Interior on June 24, 1905.

Respectfully,



Commissioner.

Cherokee D-780.

Muskogee, Indian Territory, July 12, 1905.

Richard C. Byrd,

Dewey, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your minor children, Josie P., Ethel M., Maggie A., Ella M., Richard A., Laura J., Miles L., and Ruby M. Byrd, as citizens of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated November 23, 1904, granting said application, was approved by the Secretary of the Interior on June 24, 1905.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner.

Cherokee D-780.

Muskogee, Indian Territory, July 12, 1905.

E. P. Lawson,

Attorney for Richard C. Byrd et al.,
Nowata, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Richard C. Byrd and his minor children, Josie P., Ethel W., Maggie A., Ella W., Richard A., Laura J., Miles L., and Ruby W. Byrd, as citizens of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated November 23, 1904, granting said application, was approved by the Secretary of the Interior on June 24, 1905.

Respectfully,

Commissioner.

Cherokee D 780

Muskogee, Indian Territory, February 19, 1907.

E. B. Lawson,

Attorney for Jane M. Byrd.

Nowata, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Jane M. Byrd as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-66

Commissioner.

RPI

Cherokee D780

Muskogee, Indian Territory, February 19, 1907

Jane M. Byrd,

Dewey, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-124

Register.

Commissioner.

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Jane W. Byrd as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting said application.

Respectfully,

Enc I-125

Commissioner.

RPI

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D780

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

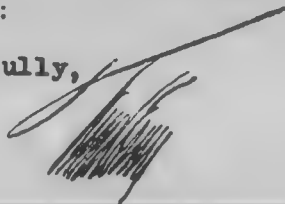
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Jane M. Byrd, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,



Commissioner.

Enc I-123

RPI

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTONLand
18384-1907.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 19, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Jane M. Byrd as a citizen by intermarriage of the Cherokee Nation, including the Commissioner's decision, dated February 19, 1907, rejecting the application.

The record shows that the applicant is a white woman, and possesses no right to enrollment as a citizen of the Cherokee Nation other than such as she may have acquired by virtue of her marriage to Richard C. Byrd, a recognized and enrolled citizen of the Cherokee Nation by adoption. She married Mr. Byrd November 30, 1884, in the State of Kansas, and did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

The decision of the Commissioner, denying the application, is in accordance with the decision of the United States Supreme Court in the case of Daniel Red Bird, et al., vs. the United States, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE--SD

YP
W.H.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.

5384, 5386, 5484, 5546,
5700, 5718, 5764, 5766,
5770, 5774, 5994, 6066,
6068, 6116, 6284, 6680,
6710, 6714, 6716, 6730,
6732, 6738, 6760, 6794,
6800, 6818, 6780, -1907.

March 2, 1907.

LRS

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
John Thomas,	February 2, 1907.
Ezekial J. Dunagan,	February 2, 1907.
Missouri I. Ross,	February 12, 1907.
William C. Patton,	February 6, 1907.
B. F. Armstrong,	February 19, 1907.
Andrew F. Cowan,	February 19, 1907.
John A. Brown,	February 2, 1907.
John E. Riffert,	February 2, 1907.
Jacob E. Barrow,	February 2, 1907.
Samuel L. Jones, (Johnson)	February 2, 1907.
George W. Craig,	February 15, 1907.
Jane M. Byrd,	February 19, 1907.
Elizabeth R. Rogers,	February 12, 1907.
Elmer Shafer, et al. (freedmen),	February 18, 1907.
John Rogers,	February 19, 1907.

Title of Case.	Date of your letter of transmittal/
Olley Maymey Dunaway, et al.,	February 21, 1907.
Willie Martin, et al. (freedmen),	February 21, 1907.
John Ellsworth Lambert,	February 21, 1907.
Stephen F. Wade,	February 21, 1907.
Michael S. Edmondson,	February 21, 1907.
James Brown,	February 23, 1907.
Charles H. Bacon,	February 21, 1907.
Benjamin F. Teague,	February 21, 1907.
George W. Scott,	February 21, 1907.
Walker Johnson (freedman),	February 21, 1907.
Elizabeth Lasley,	February 12, 1907.
Charles Lavin,	February 23, 1907.
	February 13, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E Wilson

Assistant Secretary.

27 enclosures, and
54 enclosures to Ind. Of.,
with carbon hereof.

A F No
3-2-07

COPY

Muskogee, Indian Territory, March 12, 1907.

Jane M. Byrd,

Dewey, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

JMH

SIGNED _____

Commissioner.

Muskogee, Indian Territory, March 12, 1907.

E. B. Lawson,

Attorney for Jane M. Byrd,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Jane M. Byrd as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-5
JMH

SIGNED _____
Commissioner.

REFER IN REPLY TO THE FOLLOWING.

Cherokee D-780

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Jane M. Byrd as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-6
JMH

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,

In the matter of the application of Richard C. Byrd et al for
enrollment as citizens of the Cherokee Nation.

To the Honorable Secretary of the Interior,

Washington, D. C.

Dear sir:- I have this day received from Eugene B. Lawson, attorneys
for the applicants herein copies of the additional and supplemental brief
on the part of the applicants, and petition for rehearing, supported by
affidavit of Joannana Hard, and service of both said petition for rehearing
and the additional and supplemental brief is hereby accepted on behalf
of the Cherokee Nation.

Dated at Vinita, I. T. this the ____ day of _____ 1905.

Attorney for Cherokee Nation.

CHEROKEE

D-780

Richard C. Byrd et al.

DW.

CHEROKEE

D 780

Dec. 8/17/03

Jul. 12/1909 - Nisi +
143 to 10. Transferred
to Cherokee. 10925-

Cher D 781

1848

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. November, 13th 1900.

In the matter of the application of Rose E. Bantley for enrollment as a Cherokee citizen. She being first duly sworn testified before the Commission as follows:

Q What is your name? A. Rose E. Bantley.
Q What is your age? A. 35.
Q What is your post office address? A. Lebanon, Missouri.
Q What district do you live in? A. Cooweescoowee is my district.
Q Who do you desire to have enrolled? A. Just myself.
Q What is the name of your father? A. Charles A. Bantley.
Q Is he living? A. Yes sir.
Q What is the name of your mother? A. Alice G. Bantley.
Q Is she living? A. No sir.
Q You are not married? A. No sir.
Q Is your name on the 1880 authenticated roll? A. I think it is.
Q Where do you actually reside? A. In Lebanon, Missouri.

1896 roll, page 115, No 486, Rosa E. Bantley, Cooweescoowee.

Q Have you some re-admission papers with you? A. Yes sir.
Q Did you draw Strip money in 1894? A. I think so.

Applicant presents duplicate ~~copy~~ certificate of admission to Cherokee citizenship issued from the office of the Cherokee Commission on Citizenship, dated at Tahlequah October, 13th 1887, signed by J. T. Adair, Chairman of the Commission, G. G. Lipe, clerk of the Commission, approved and endorsed by J. E. Hayes, Principal Chief, attested by Henry Effert, Assistant Executive Secretary, under the Great Seal of the Cherokee Nation, certifying that among others one Rosa E. Bantley was admitted to Cherokee citizenship on that date.
Q Are you the identical Rosa E. Bantley mentioned in this certificate of admission to citizenship? A. Yes sir.
Q Where were you living in 1887? A. At Lebanon, Missouri.
Q Have you lived there ever since? A. Most of the time.

By Mr. Hastings, Cherokee representative:

Q Where were you born? A. At Lebanon.
Q Is your mother living? A. No sir.
Q When did she die? A. In 1881.
Q Prior to your admission? A. Yes sir.
Q With whom do you live in Lebanon? A. My father.
Q He is living there yet? A. Yes sir.
Q Has lived there continuously ever since your admission? A. Yes sir.
Q You have not married? A. No sir.
Q That is your present post office address? A. Yes sir.

By the Commission:-

Q Is there any other statement that you desire to make in regard to this application? A. Only that I have always owned property here in the Cherokee Nation and have received rents from it. It is near Vinita.
Q How long have you held these lands? A. Since 1894 or 1896.
Q Your father and mother never lived in the Territory? A. My mother lived here for a while, my father is a white man.
Q You say you are now 35 years of age? A. Yes sir.
Q Do you if you acquired these lands after you became of age? A. I don't know when they acquired them, in 1896 I think.

By Mr. Hastings: Q. From whom did you acquire the land? A. Each child was allowed to take up 160 acres, and we took it up and have a square mile in one body and it is fenced.

Q You have never been there where the land is? A. I have never lived there, but I have been out where it is. Went out there the other day.

By the Commission- Q Did you draw money in 1884? A. Yes sir.

Q That was in 1885 when you got it was it not? A. I don't remember when, I know that I got a check made out to me for the four shares.

Q Was it paid to you at the regular payment, or did you have to get a special act of council passed before it was paid to you? A. I don't know, my father got it for me.

Q He was never admitted to Cherokee citizenship? A. No sir he is a white man.

The name of Rose E. Bantley appears on the census roll of 1886 and she presents certificate of admission, more particularly described in the testimony, certifying that she was admitted to Cherokee citizenship on October 12th 1887. By reason of her testimony as to her residence, final judgment as to her enrollment will be suspended and she will be placed on a doubtful card. She will be notified at her present post office address as to the final decision of the Commission.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. von Weise

Subscribed and sworn to before me this the 13th of November, 1900,

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES.
FILED
MAY 14 1880

2781

SUPPLEMENTAL TESTIMONY.

"D" # 781.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLARKFORD, I.T., NOVEMBER 14th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Rosie L. Bantley for enrollment as a citizen of the Cherokee Nation.

Said Rosie L. Bantley being sworn and examined by Commissioner
Needles, testified as follows:

Statement by the Applicant: I want to tell just how I was
situated. I am my father's house-keeper and I have always had to
make my home with him, as that is my only support. He has wanted
to come down here and go in business, and in fact has tried to
establish a business here in the Territory, but his business is so
situated at our Town that he cannot leave without great loss and it
may be in time that we will come; we are planning and hoping for it.
I could not leave him under any circumstances, because my father is
very dependent on me. He is getting old and I feel that it is my
duty to stay with him. I felt like I could make this statement to
you all and tell you how I was situated and that it might have some
bearing on my part. My father has always been very much interested
in the Territory and has been wanting to come, and he made the state-
ment not long ago that he had moved twice in his life and his third
move would be to the Territory.

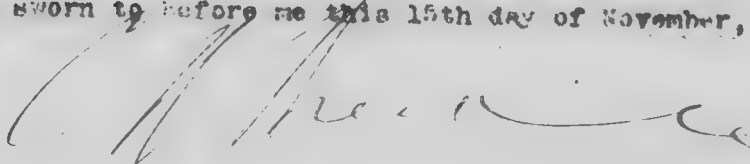
Q You are single and unmarried? A Yes, sir.

--- 3000 ---

J. O. Rosson, being sworn and states that as stenographer to
the Commission to the Five Civilized Tribes, he correctly recorded
the testimony and proceedings in this case, and that the foregoing
is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 15th day of November, 1900



Commissioner.

R

C. D9781

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Rose E. Bantley for the enrollment of herself as a Cherokee citizen.

Appearances:

Mr. Smith of Mellette & Smith, Vinita, I.T., attorneys
for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 18, 1902, that her application for the enrollment of
herself as a citizen of the Cherokee Nation would be taken
up for final consideration by the Commission at its offices
in Muskogee, Indian Territory on the 10th day of March, 1902.
Receipt has been acknowledged of the Commission's letter and
the applicant this day, to-wit: the 10th day of March, 1902,
appears by her attorneys, Mellette & Smith, Vinita, I.T.

BY COMMISSION OF MR. SMITH: Any statement you desire to make,
Mr. Smith? A None at all.

Q You submit the application? A Yes sir.

BY COMMISSION: The attorney for the applicant and the rep-
resentative of the Cherokee Nation present submit the case;
same is considered completed, and will be reported to the
Commission for final decision based upon the evidence now of
record.

The attorney for the applicant requests and will be
granted 15 days in which to file a brief in this case, one copy
with the Commission and one copy with the representative of the
Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the tes-
timony and proceedings in this case and that the foregoing is a
true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rose E. Bantley for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 12, 1900, Rose E. Bantley appeared before the Commission at Claremore, Indian Territory, and made personal application for her enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory on November 14, 1900, and at Muskogee, Indian Territory on March 10, 1902.

The evidence shows that Rose E. Bantley was admitted to citizenship in the Cherokee Nation on October 12, 1887 by the duly constituted authorities of said Nation. She is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Rose E. Bantley has never removed to and permanently settled in the Cherokee Nation, and that, at the date of this application she was residing in the State of Missouri.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Rose E. Bantley as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this _____

L. B. BELL

W. W. HASTINGS

J. M. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 871.

Muskegon, I. T., March 4, 1907.

The City Marshal,

Labanon, Mo.

Dear Sir:

Enclosed herewith please find notice, which kindly serve at once on Rosa A. Antlow by delivering one copy of the same to her, and then make out your return on the back of the other copy, swear to it before a Notary Public, and return to us by first mail possible. Send us a bill of your charges for serving this notice, and we will be pleased to remit the amount.

Kindly attend to this at once.

Yours truly,

COMMISSIONERS
HENRY L. DAWES
TAMM HIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES Cherokee D 781.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, July 29, 1902.


W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Rose E. Bantley for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 77.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 781.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

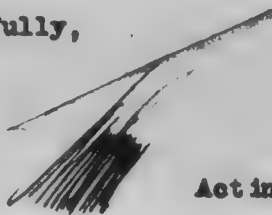
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Rose E. Bantley for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,



Acting Chairman.

COMMISSIONERS
HENRY L. DAVIS
TAMM DAVIS
THOMAS H. NEEDLES
C. R. ELLIOTT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MAILED IN REPLY TO THE FOLLOWING

Cherokee 781

ALLISON L. AYLESWORTH
SPECIAL AGENT

Muskogee, Indian Territory, October 24, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the petition of James S. Davenport, attorney for Rose E. Bantley, filed in the Department of the Interior, requesting that the decision of the Commission in the matter of the application of Rose E. Bantley for enrollment as a citizen of the Cherokee Nation, be remanded and that she be allowed to introduce further proof as to her residence in the Indian Territory, was, on October 11, 1902, denied.

Respectfully,



Acting Chairman.

Muskogee, Indian Territory, August 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On September 21, 1903, the Commission requested that the case of Rose E. Bentley, Cherokee D-731, be remanded for readjudication in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.

The Department in its letter of March 11, 1904, (I.T.D. 2024-1904) remanded said case, with instructions to allow the applicant, if she so desired, to appear before the Commission and submit further testimony in her case.

On March 31, 1904, the applicant and her attorney were notified that they would be allowed thirty days from that date in which to appear before the Commission at Tahlequah, Indian Territory, and submit any further proof they desired, relative to her rights to enrollment as a Cherokee citizen. There was no appearance in this case within the thirty days from the date of said notice.

Upon a re-examination of this cause, the Commission finds no error in its decision of July 29, 1902, denying the application of said Rose E. Bentley for enrollment as a

citizen by blood of the Cherokee Nation, and considers that the rulings of the department in the cases of Joseph D. Yearguin, et al., (I.T.D. 1900-1902), and Allie Williams, (I.T.D. 1900-1902), not applicable to him within case, and respectfully recommends that its said decision herein be approved.

Respectfully,

SIGNED:

James Dixby.

Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Proctorridge.

Commissioner.

Encl. C-V.

Through the

Commissioner of Indian Affairs.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. SRECKINRIDGE

WM. O. REALL,
Secretary.

DEPARTMENT OF THE INTERIOR, Cherokee R-696.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1904.

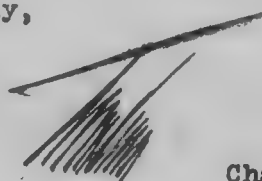
W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission is in receipt of departmental letter of October 14, 1904, in the matter of the application for the enrollment of Rose E. Bantley, et al., wherein the Department adheres to its decision of August 29, 1902, rejecting said application.

Respectfully,



Chairman.

IN THE MATTER OF THE APPLICATION

Rose E Bentley

FOR ENROLLMENT AS

CHEROKEE CITIZEN

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Reese F. Bantley

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony. Nov 12-1900

B Memo. of application. Nov 12-1900

C Supplemental testimony. Nov 14-1900

D Notice of final consideration, 3/10/02

E Receipt for testimony

Transferred to R-696

Copy

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLARKSVILLE, I.T., NOV. 12th, 1900.

IN THE MATTER OF THE APPLICATION OF Eleeta Fields for the enrollment of her child as a citizen of the Cherokee Nation, and the said Eleeta Fields, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Eleeta Fields/
Q Any middle name? A Yes.
Q How old are you? A Twenty two.
Q What is your Postoffice address? A Collinsville.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A I am a married citizen.
Q Whom do you desire to enroll? A Willia, Fields, my boy.
Q Is your husband living? A Yes sir.
Q What is his name? A Charley Fields.
Q Why is he not here himself? A I guess because he did not want to be.
Q You are not living with him? No sir.
Q Have you any certificate of marriage? A Yes sir.
Q What is the name of this child? A William T. Fields.
Q How old is he? A Three years old.

The applicant presents a certificate of marriage, certifying that Charles Fields and Eleeta Barten were married in the Indian Territory, on the 1st day of October, 1896.

- Q Are you living with your husband? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q How long did you live with him after you were married?
A One night.
Q What is the exact date of this child's birth? A 1897.
Q What day? A The 2nd of March.
Q March 2nd, 1897? A Yes sir.

By The Commission:

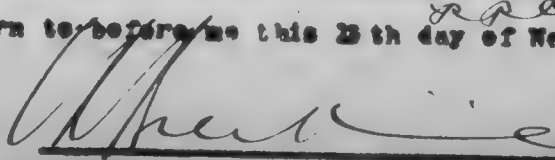
(1890 Roll, Page 256, #1919, Charley Fields, Delaware D'st)

- Q Is Charley Fields the father of this child? A Yes sir.
Q Why did your husband leave you? A I do not know; He left to go with another woman is all I knew.
Q This child was born five months after you were married? A Yes sir; I knew that.

Eleeta Fields applies for the enrollment of her child, William T. Fields; she shows that she was married to one, Charles Fields, a Cherokee citizen by blood; His name appears upon the authenticated roll of 1890; He lived with her but one night, and five months afterwards, according to the testimony, William T. Fields, the child for whom she applies, was born. From the fact that the parentage of the child is not established satisfactorily, final decision as to the enrollment of said William T. Fields will be suspended; It's name will be placed on a Doubtful Card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of November, 1900.


COMMISSIONER.

RECAPITULATION OF THE
COMMISSION TO THE FIVE CIVIL
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Department of the Interior,
Commission to the Five Civilized Tribes,
Staremore, I.T., November 13, 1900.

Card D. 782 (Additional).

In the matter of the application of Charley Fields for the enrollment of himself and child as Cherokees by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Charley Fields.

Q You want to enroll yourself? A Yes, sir.

Q What is your age? A 24.

Q What is your post office address? A Collinsville.

Q What is your district? A Coconawocsee, I believe.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q By blood? A Yes, sir.

Q You want to enroll anybody besides yourself? A Yes, I want to enroll a kid of mine.

Q What is the kid's name? A I have a couple of them; one has been here before; I don't know whether it was enrolled or not.

Q What is its mother's name? A Electra Barton.

Q That kid was enrolled yesterday. Were you married to Electra Barton? A Yes, sir.

Q How long did you live with her? A About two days.

Q How long after you were married was the child born? A Dugged if I know just when it was.

Q About five months, wasn't it? A I guess so.

Q How did you know it was your child? A I don't know for certain, they swore the child to me.

Q Do you know it was your child? A No, sir, I can't swear it was.

Q And you have anything to do with her before you married her? A Yes, sir.

Q Did they force you to marry her? A Yes, sir.

Q They swore the child to you and forced you to marry her, and you lived with her one night and then left, didn't you? A Yes, sir.

Mr. W. H. Hastings, representative of the Cherokee Nation: What was that woman's reputation before you married her, with reference to chastity? A She was all right as far as I know.

Q Do you know whether she had had anything to do with other people or not? A No, sir, I can't say.

Q What made you leave her? A Just because I didn't want her.

Q You got all out of her you wanted? A I guess I did.

Commissioner Needles: Did she sue you? A Yes, sir.

Q For the support of the child? A No.

Q What did she sue you for? A She sued me -

Mr. Hastings: I expect she threatened to have you arrested for seduction under promise of marriage? A Yes, sir, that is the truth.

Commissioner Needles: In order to compromise the suit you married her? A Yes, sir.

Q What Court was this before? A The United States Court I guess at Tulsa.

Q Are you satisfied that is your child? A I think so.

Q What is the name of the other child you apply for? A Fred Fields.

Q Are you married? A No.

Q Do you want to enroll a child born that was born out of wedlock? A Yes, sir, here in the papers.

Mr. Hastings: Its mother a white woman? A Yes, sir.

Commissioner Needles: How old is it? A It is a little over a year old.

The applicant presents a certificate of birth, certifying that Charles Frederick was born on the 25th day of September, 1899, to Charley Fields, its father, and Ollie Littrell, its mother.)

Q You never married Ollie Littrell? A No, sir.

Q She is a white woman? A Yes, sir.

Q What is your father's name? A Jeff.

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Charley Fields - 2.

Q Is he living? A Yes, sir.

Q What is your mother's name? A Leadie.

Q She living? A Yes, sir.

(On 1880 roll, page 258, No. 1019, Charley Fields, Delaware district; on 1886 roll, page 186, No. 1881, Charley Fields, Godwens-coowee district.

Q You always lived in the Cherokee Nation? A Yes, sir.

Q Live here now? A Yes, sir.

Q Unmarried? A Yes, sir.

Q Is the name of your child Charles Frederick? A Yes, sir.

The name of Charley Fields appears upon the authenticated roll of 1880 as well as the census roll of 1886. He applies for the enrollment of Charles Frederick Fields, whom he avers to be his child by one Ollie Littrell, and he presents satisfactory proof of birth. The evidence shows that said child was born out of wedlock; his father and mother never married. Consequently the application for the enrollment of the child will be refused.

The said Charley Fields being duly identified, and having made satisfactory proof as to his residence, will be duly listed for enrollment as a Cherokee citizen by blood.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 15th of November, 1900.


Commissioner.

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RECORDED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 24, 1902.

In the matter of the application of Willis B. Chapman for the enrollment of his wards, Mattie E. McKnight, Addie L. McKnight, Lucy McKnight, and Laura M. McKnight, as citizens of the Cherokee Nation.

Applicant represented by J. Howard Langley, Pryor Creek, I.T.
Cherokee Nation represented by W. W. Hastings.

—:TESTIMONY IN BEHALF OF APPLICANT:—

WILLIS B. CHAPMAN, the applicant, being duly sworn, testified as follows:

MR. LANGLEY: State your name? A Willis B. Chapman.
Q Were you the guardian for these children in 1900? A I was.
Q In the application for their enrollment I believe you stated that their mother died in 1895? A Yes, sir.
Q How old was the youngest one of these children at that time? A At her mother's death the younger one was three weeks old or thereabouts.
Q And the next oldest? A Was 18 months.
Q What became of these two children after their mother's death?
A Why her grandmother took them to Texas.
Q Is that the five years residence in Texas that you mentioned in your testimony, the residence of those two children from that time on up to their application for enrollment? A Yes, sir.
Q Where did their father stay after their mother's death? A He remained on the farm up there near Pryor Creek.
Q When did he die? A He died three years ago, November 26, 1899.
Q Did he own a farm at the time of their mother's death there near Pryor Creek? A He did.
Q And at the time of his own death did he own it? A He did.
Q As guardian for these children did you have charge of that farm when you applied for their enrollment to this Commission? A Yes, sir, I did.
Q Are you the guardian now for these children? A I am not.
Q Who is? A Mr. John C. Hogan.
Q Where does he reside? A Pryor Creek.
Q As such guardian has he now charge of that farm for these children?
A He has.

COMMISSION: You submit this case to the Commission for final consideration?

MR. LANGLEY: I desire to file a brief in it.

COMMISSION: The applicant's attorney will be given ten days in which to file a brief in this case, one copy with the representatives of the Nation and one copy with the Commission. The attorney for the applicant and the representatives of the Cherokee Nation present submit this case to the Commission for final consideration. The same is ordered closed and reported to the Commission for a decision based upon the evidence now filed.

—:—:—

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the

foregoing is a true and complete transcript of his stenographic
notes thereof.

Arthur H. Ringer

subscribed and sworn to before me this 22th day of February, 1902.



Commissioner.



R.

C. D-782

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
William T. Fields for enrollment as a Cherokee citizen.

Appearances:

N.A.Gibson, Muskogee, I. T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's mother, Electa Fields, was notified by registered letter February 18, 1902, that her application for the enrollment of her son, William T. Fields, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day to-wit: the 10th day of March, 1902 appears by her attorney, N.A.Gibson.

BY COMMISSION OF MR GIBSON: You desire to offer any additional evidence?

BY MR. GIBSON: We desire to offer in evidence in this case the marriage certificate showing the marriage of Electa Fields, the mother of this child, and Charles Fields, the father, on the first day of October, 1896.

BY COMMISSION: The same will be filed and made a part of the record.

The attorney for the applicant and the representative of the Cherokee Nation ~~appear~~ present submit the case and same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, N.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

N.D.Green

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 17th, 1902.

In the matter of the application of Electa F. Fields for the enrollment of her child, William T. Fields, as a citizen by blood of the Cherokee nation.

Supplemental to D-762.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

ELECTA F. FIELDS, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Electa Fields.
Q. What is your post office? A. Collinsville.
Q. Indian Territory? A. Yes, sir.
Q. Are you the mother of William T. Fields? A. Yes, sir.
Q. When was this child born? A. In 1897.
Q. Where was it born? A. 7 miles north of Collinsville.
Q. Has this child resided in the Cherokee nation continuously since its birth? A. Yes, sir.
Q. Have you ever been out of the nation since that time?
A. No, sir.
Q. Is the child living at this time? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of July, 1902.

Jesse O. Carr
W. W. Hastings
Notary Public.

220
LCRDEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William T. Fields, as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 12, 1900, Elceta Fields appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of her minor child William T. Fields as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 10, 1902, and July 17, 1902. A copy of the testimony taken at Claremore, Indian Territory, November 13, 1900, in the matter of the application of Charley Fields, et. al. was filed and made a part of the record herein.

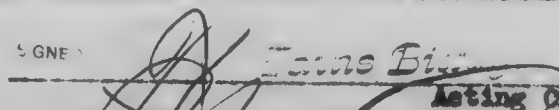
The evidence shows that William T. Fields is the son of Elceta Fields and Charles Fields, a Cherokee Indian, duly identified on the 1880 authenticated tribal roll, and who were lawfully married on October 1, 1896. The said William T. Fields was born to them on March 2, 1897, and is identified by a birth affidavit on file with this Commission.

The evidence further shows that said William T. Fields has resided in the Cherokee Nation all his life.

It is, therefore, the opinion of this Commission that William T. Fields should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED


Acting Chairman.
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 782.

Muskogee, Indian Territory, October 30, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, granting the application of Electa Fields for the enrollment of her minor child, William T. Fields, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file such protest as you desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Acting Chairman.

Commissioner

Enclosure C. No. 125

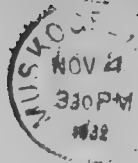
Department of the Interior.

Commissioner of the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



W. W. Hastings,

Muskogee, I. T.

IN THE MATTER OF THE APPLICATION OF

William T. Fields

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

1. Original testimony. Nov 12 1900

2. Memo of application. Nov 12 1900

3. Additional testimony. Nov 13 1900

4. Aff'd avit of birth William T. Fields

5. Notice of final consideration, 3/10/02

6. Certificate of marriage of parents

Supplemental proceedings and
order closing testimony. 3/10/02

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Cher D 783

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APPLICANT RE-CALLED, and examined by Cherokee Atty **Hutchings;**
Reedberg

South West City Mo. Oct 1st 1900

Statement of Mrs Syntha Barton
The Foratment of W. J. Barton, to me his wife
Syntha Barton. I lived with W. J. Barton
untill he spent all I had, Strip Money
an all in supporting his family and
improving his place then when the last
dollar was gone he had no more use for
me. he would curse me and abuse me
and when he would get mad. he would
try to put me out and shut the door
on me. and he had a boy about 15
years old and he would allow him to
Strike me with his fists and they threat-
ened to Poison me. untill I got afraid
to stay with him and his children and
so I had to leave home. Then I went back
home to try it again and I hired a man by
the name of Thomas Walker. and he would
not speak to me. or welcome me no more than
I was a dog and he told Mr Walker that
he did not want me left there. to haul me
away. There were five of Bartons and I had no
friends there, and I thought it best to leave
as they would swar any thing and was not
to be trusted

Witnesses to mark Syntha^{his} Barton^{mark}

E. M. Smith

J. E. Havens.

Sworn and subscribed to before
me this 1st day of Oct 1900.

J. E. Havens. Notary Public

COMMISSION EXPIRES
MAY 22 1901

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLARKSVILLE, I.T., NOVEMBER 2th, 1900.

IN THE MATTER OF THE APPLICATION OF William T. Barton for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A William T. Barton.
Q What is your age? A Sixty three.
Q What is your Postoffice address? A Collinsville.
Q What district do you live in? A Coowaseenowee.
Q Are you a recognized citizen of the Cherokee Nation?
A By adoption.
Q For whom do you apply for enrollment: Yourself? A Yes sir.
Q Who else? A No one.
Q Have you any certificate of marriage? A Yes sir.

The applicant presents a marriage license and certificate, certifying that he was married to Mrs. Cynthia Mitchell, a citizen of the Cherokee Nation, according to the laws thereof, on the 6th day of March, 1893.

- Q Is your wife living? A I suppose she is: I have never heard any thing to the contrary.
Q Are you living together? A That would be a hard question to answer: Sometimes we are together, and sometimes, we are not: She goes over in the eastern part of the Territory some times, and stays a year at a time some times.
Q How long have you lived in the Cherokee Nation? A About ten years, I believe
Q Are you living here now? A Yes sir.
Q Have you any children? A None.

(1880 Roll, Page 453, #1137, Cynthia Mitchell, G. Snake D'tat)
(1896 Roll, Page 296, #122, William T. Barton, Co. D'tat)

Q Do you not know Mr. Barton whether you are living with your wife, or not? A I know she is not at home, and I know she has done this same thing at least twice: The last time I saw her, she said she was coming home: Said she was coming to stay: When she was there, if I had not been in a small house where I was crowded - said when I moved in the other house she was coming home.

By Mr. W. W. Hastings, Cherokee Representative:

- Q ~~Where~~ Were you living with her in 1894? A Yes sir.
Q How long did you live with her ~~before~~ after that? A I never kept any run of time: She has been with me as high as three years all the time at different times.
Q Do you own any farm or improvements? A No sir.
Q You never have? A Yes sir; I made one.
Q Where? A Out on Bird Creek.
Q When? A The first one I made was about six years ago.
Q Did you sell it? A Yes sir.
Q How long did you own it? A About a year: It never was fenced, and there was never anything on it but a house and about forty acres broke out.
Q That was all that was done to it? A Yes sir.
Q Why did you sell it? A In order to get money to improve with.
Q Improve what? A Another place in the neighborhood.
Q Have you any farm? A Yes sir.
Q What size? A About two hundred acres.
Q When did you get it? A Immediately after selling the other one.
Q How much have you under cultivation on that place?
A About a hundred acres.
Q You never had any home for this woman? A Except these two places I made.
Q Have you a house on it? A Yes sir.

Q When did you put the house on it? A I put a house on the first place as soon as I could: About six or seven years ago; right immediately after we married, with in a year: We stayed on Big Cabin the first year we were married, and the next year I built this house.

Q You have not lived with this woman for three years, have you?

A I do not know that she has been away three years.

Q You do not know? A No sir; I do not, because I have not kept time.

Q The length of time your wife remains away from you is very important? A I have no control of that.

Q You have a control over your own memory? A Yes sir, but I have been sick all the time, and I did not pay the attention like a man that is well.

Q Especially to a little thing like losing your wife any way?

Q Yes sir; I payed attention to that.

Q Did you and she ever quarrel? A To say quarrel; no sir.

Q Did you ever fight? A No sir; we never fought, and I never quarrelled with anybody, that is more of it: That is something I do not do under any circumstances.

Q What is ~~how~~ Pestooffice now? A I could not tell you: I expect South West City: She furnished the money to put the wire around this last place I got: I have got it for her, and she can have it any time: She can have it any time: I am not a "skallawag": If it had not been for that woman's connection I do not suppose there would ever have been anything between us at all: I think right there is the seat of the whole trouble.

By Commissioner T. B. Needles:

Q What degree of blood has she: Full blood? A No sir; she has not over two thirds; maybe not that much.

Q Did you have any children by her? A No sir; I never had any children by anybody.

By Mr. W. W. Hastings, Cherokee Representative.

Q Did not some one take your wife out to Bird Creek once; Smith?

A Smith?

Q Yes? A Bring her out here?

Q Yes? A Yes sir.

Q What did you tell her: Did you not tell her not to unload her things out there? A No sir, and he did not have any of her things with her: If he ~~staid~~ did, he lied to me.

Q What did you say about her going back when he got out there?

A I told him it was not a bit of use in the world for us to try to live together: I have built her a house, and have treated her well, and I said I did not see any use of a man and his wife being continually separated.

Q What did he go out there for that time? A She said sahe come to stay.

Q And he brought her out, did he? A Yes sir.

Q Did he take her back? A I say Smith: I do not know whether it was Smith or not.

Q Did she go back with him? A Yes sir.

Q At the same time they came? A Yes sir.

Q They stayed all night? A Yes sir.

Q She came out there for the purpose of living with you, and you sent her back? A No sir; I did not send her back.

Q Did you not tell her that there was no use in trying to live with her? A I told the man that was with her, and she went back with him: I always told her that as long as she wanted to stay in the house I put upk, she could stay there.

Q Why would you tell her to live with you, and at the same time tell the man it was no use trying to live with that woman? A I did not think we would live together.

Q Why did you not tell the woman that? A I did not tell her anything.

Q Did you talk to her at all? A Yes sir.
Q Did you talk to her about her staying? A No sir., I did not: She did not say a word to me about staying: She told my daughter she was going to stay, and the conversation she had with me was that she wanted to know if she would give me a divorce: And I told her I did not have any money to divorce any one.
Q You have got a farm, have you not? A I am not on it.
Q You have possession of it, have you not? A Yes sir, but I told her she could have it whenever she wanted it.
Q Who got the rents for it? A There were no rents the first year: it was leased.
Q You leased the place then? A I rented it last year: it was not rented this year at all.
Q She furnished the wire to put around it: Did you lease it?
A I did the work myself.
Q How much land did you break yourself? A About ninety or one hundred acres.
Q With your own hands? A Yes sir, and with my own team.

By Commissioner, T. B. Needles:

Q Have you any witness you want to introduce about this? A My daughter there would tell you just exactly as far as she knows whether I ever mistreated her or not.
Q You said a while ago that you never had any children by any one?
Q By this woman, I meant.

By Mr. W. W. Hastings, C. R.

Q Were you ever married before? A Yes sir, twice.
Q Are both of your former wives dead? A Yes sir.
Q Did they die before you married your present wife? A Yes sir.
Q This is your third wife? A Yes sir.

Electa Fields, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Electa ~~xxxx~~ Fields.
Q How old are you? A Twenty three.
Q What is your Postoffice address? A Collinsville.
Q Is William T. Barton your father? A Yes sir.
Q Do you know anything about how your father treated your step mother? A Yes sir.
Q Tell us what you know? A He treated her all right: I do not think she had any cause to leave him.
Q Were you living with him then? A Yes sir.
Q Were you and your step mother on good terms? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q You lived with them? A Yes sir.
Q Where? A Over on Bird Creek and Cabin Creek.
Q You were there the last time she came to remain with him?
A Yes sir.
Q He did not encourage her to stay, did he? A I do not know what he said.
Q How long did she stay there? A About one hour.
Q Did she come in a wagon? A Yes sir.
Q Did she have something in the wagon? A None of hers.
Q Did she have any of any body's? A Yes sir; she had her niece's; some bedding.
Q She brought that along, did she? A Yes sir.
Q Your father would not let her take the things out? A I invited her to take her things out, and she said she did not have anythings of her own.
Q How long ago was this? A Last Fall.
Q A year ago last Fall? A Yes sir.

By Commissioner, T. B. Needles:
Applicant recalled:

The name of William T. Barton appears upon the census roll of 1896; He presents satisfactory proof of marriage to one, Mrs. Cynthia Mitchell, a Cherokee citizen by blood, in the year 1893, and her name appears upon the authenticated roll of 1898, as Cynthia Mitchell; Said applicant is duly identified according to the page and number of the roll as indicated in the testimony.

He avers that he is not living with his wife, and by reason of the conflicting testimony given by him and by Emma Smith, when she the said Emma Smith applied for the enrollment of the said Cynthia Mitchell, as to the cause of said separation, final judgment as to the application of the applicant, William T. Barton will be suspended, and his name will be placed on a doubtful card.

Reference to be made to the testimony given by the said Emma Smith, Card #3484.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of November, 1900.


COMMISSIONER.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 13, 1900.

Card D. 763.

In the matter of the application for the enrollment of William T. Barton as a Cherokee citizen.

Additional testimony.

J. J. Fields, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A J. J. Fields.

Q What is your age? A 46 I believe.

Q What is your post office address? A Collinsville.

Q Do you know William J. Barton? A Yes, sir.

Mr. W. W. Hastings, representative of the Cherokee Nation: Did you know his wife, Cynthia Barton? A Yes, sir.

Q Do you know when they were married? A No, sir, I can't state the time.

Q Do you know of the circumstance of their being married?

A Yes, sir.

Q Where did they live when you first knew them? A They lived on Cow Skin Prairie.

Q How far did you live from them at that time? A I believe he was living on Peters Prairie, he was, when I first known him, but after he got married he come out here.

Q Were you living out near Collinsville then? A Yes, sir, after he was married.

Q When were you first living near them, after they were married?

A If nearest I have been living, it has been seven or eight years ago.

Q Near Collinsville? A Yes, sir.

Q How near were you living to them at that time? A About four miles I guess, or four and a half.

Q Were you ever at their house? A Yes, sir.

Q While they were living together? A Yes, sir.

Q How often? A I can't tell how often, I have been there several times.

Q Did you go there visiting or just passing by and stop? A Sometimes I would just be passing by and stop.

Q Do you know anything about their relations as husband and wife?

A Just that they were living together as man and wife.

Q Do you know what was the cause of their separation? A No, sir.

Q Do you know who was at fault? A No, I can't tell who was in fault.

Q Their relations seemed pleasant when you were present? A Yes, sir.

Q You don't know what was the difficulty when you were absent?

A No, sir.

Q You don't know who was at fault? A No, I don't.

By Mr. Barton: Did she tell you I treated her all right? A She said you treated her all right, only some of the children wasn't treating her right.

Mr. Hastings: Some of whose children? A Some of Barton's children.

Q Barton had been married before? A Yes, sir.

Q She had been married before? A I guess so.

Q And she told you the trouble arose from the treatment of Barton's children by the former marriage and not by Barton? A Yes, sir.

Q What all did she say about that? A That is all she said, that Barton treated her all right, but a girl by the name of Annie, and I don't know which one of the boys it was, didn't treat her right.

Commissioner Needles: Was that after they separated? A Yes, that was after they separated.

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William T. Barton : 2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 13th of November, 1900.

C. M. ...

Commissioner.

S U P P L E M E N T A L T E S T I M O N Y .

"D" CARD 7783.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 12th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of
WILLIAM T. BARTON for enrollment as a citizen of the Cherokee Na-
tion:

CHARLES CIRCLE, being sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Charles Circle.
Q What is your age? A 42.
Q What is your post office? A Collinsville.
Q Are you a citizen of the Cherokee nation? A No, sir.

INTERROGATORIES BY W. W. HASTINGS, Representative of the Cherokee
Nation:

- Q How long have you known this man Barton? A I have known him
about eight years.
Q Do you know his wife? A Yes, sir, I have seen her several times.
Q About how many times did you ever see her? A About ten or twelve
times passing backwards and forwards.
Q Were you ever at their house? A Yes, sir.
Q How many times while they were living together as husband and
wife? A Four or five times.
Q How long did you ever stay there while you visited them at any
one time? A Not over three or four house at a time.
Q What do you know about how they got along together? A I do not
know.
Q Do you know what caused her to leave? A No, sir, I do not.
Q You do not know whether it was his fault or her fault? A No, sir.
Q You do not know what their family difficulties were when you were
away? A No, sir.
QUESTION BY APPLICANT, WILLIAM T. BARTON:
Q Did you ever hear about any trouble being circulated over the
country? A No, sir.
BY W. W. HASTINGS, Cherokee Representative:
Q You never heard anything against him or her either? A No sir.
Q They seemed like they were getting along all right as far as I
know.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in the above case and that
the foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 13th day of November, 1900.

C. H. Hastings

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHULSA, I.T., NOV. 21st, 1900.

ADDITIONAL TESTIMONY IN THE MATTER OF THE APPLICATION OF William T. Barton for enrollment as a citizen of the Cherokee Nation. The said William T. Barton, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A William T. Barton.
Q You are a white man, are you? A Yes sir.
Q Now you want to give some evidence about your wife depositing some money, do you not? A Yes sir: I stated that she deposited it in the Bank, but she deposited it with Mr. Rivins.
Q You then just want to correct your former statement? A Yes sir.
Q What else do you wish to say? A I want to introduce Mr. Rogers.

Cyrus Rogers, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your name? A Cyrus Rogers.
Q How old are you? A Seventy.
Q What is your Postoffice? A Kirk.
Q How long have you lived in the Cherokee Nation?
A About fifteen years.
Q Do you know Mr. William T. Barton? A Yes sir.
Q Do you know his wife? A Yes sir.
Q They are separated, are they? A They are not living together.
Q Did he leave her, or did she leave him? A She left him.
Q Why did she leave him? A They lived about one mile and a half from us, and three years ago last Spring, my wagon was broke, and I sent to get a buggy to go to Skiatook, and the young man told me I could get the buggy if I would take Mrs. Barton out there on a visit: I went to Skiatook, and coming back - I did not get back until afternoon, the roads were very bad. After I got back and got my dinner, she asked me if I would not take her to Mr. Fields.
Q Why did she leave him? A I do not know why she left him: I took her away when she did leave.
Q The question is why did she leave? A I do not know why she left: She told me some matters that had passed between them.
Q You know nothing at all except what she said? A Yes sir.
Q You do not know of your own knowledge? A No sir.
Q What was the impression in the neighborhood; that he or she was to blame? A The impression was that she was to blame in regard to it.
Q What was the matter: Bad temper? A She said that she had a bad temper, and that he had one: Generally they got along pretty well: She had never had any trouble with the girls, but she had with the boys. She told me about her money matters, etc., She told me about that when I took her to the neighbors. She said she had money loaned to one of the Fields, and that she could get cows with it.
Q What has that to do with the case? A Nothing, I guess.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of November, 1900.

COMMISSIONER.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William T. Barton for enrollment as a Cherokee citizen.

Appearances:

N.A.Gibson, Muskogee, I. T., attorney for applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18th 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 10th day of March, 1902, appears by his attorney, N.A.Gibson.

CYNTHIA BARTON, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Cynthia Barton.
- Q What is your post-office? A Dodge, on Cowskin Prairie.
- Q How far is that from Grove? A I think they call it six miles from Grove.
- Q How old are you? A 65.
- Q Cherokee by blood? A Yes, sir, by blood.
- Q Did you ever marry a man named William T. Barton? A Yes sir.
- Q He says you married him about March, 1893, is that correct?
- A Yes sir, I guess it is correct, I can't remember, you know, but know we was married in March.
- Q Was you married before the Strip payment? A Yes sir.
- Q About how long did you live with him? A I guess I lived with him maybe three years or four, about three years I guess.
- Q Did you have a place the first year you lived with him? A No sir, just rented a place.
- Q Where did you live? A At Cabin Switch.
- Q Then where did you go? A Went to out on Bird Creek.
- Q Made a place out there then? A Yes sir, that is where we made a place.
- Q Are you living with this man now? A No sir.
- Q How long did you live with him? A I guess I lived with him about three or four years, I won't say positively.
- Q He had been married before? A Yes sir, he was a widower.
- Q Wife dead? A Yes sir.
- Q You have been married before? A Yes sir.
- Q Your husband dead? A Yes sir.
- Q Just been married twice before? A Twice.
- Q Both husbands dead? A Yes sir, both dead.
- Q How many times have you people separated until the final time once or twice? A Just once.
- Q Had you separated before this last time? A No sir.
- Q Hadn't you been away from him? A Yes sir, I had been away from him but I come back to him.
- Q What made you separate? A Well just his bad mistreatment that he give me, him and his children.
- Q Did he have some children by a former marriage? A He had six children when I first went with him.
- Q Well what was their conduct towards you, good or bad? A It was bad; I was treated bad.
- Q Well what did he do to you, what did the children do to you?
- A They have knocked me and cussed me and everything else.
- Q Strike you? A Yes sir, they struck me.

- Q Did he curse you any? A Yes sir, he has cussed me.
- Q Never put you out of the house did he? A Tried to put me out, he did put me out.
- Q Is that what made you leave? A Yes sir, I left because I was mistreated, I couldn't stay with him any longer.
- Q What became of your strip money? A It was put on the place we was living on.
- Q What became of the place? A I guess it is there yet, I left him on the place when I left.
- Q He kept the place did he? A He stayed on the place when I left.
- Q Well he is on it yet? A I guess he is, I have not heard from him lately.
- Q You say you went back to him once? A Yes sir, this fellow can tell you how I was treated; he was my witness on that.
- Q Did he let you unload? A No sir, he didn't.
- Q Did you take your things to live there? A Well when I went you see I aimed to live with him, but I found out he didn't treat me right, second time I went back he didn't treat me right; I took some of my things; I had left some of my things when I first left.
- Q Did he allow you to take your things out of the wagon when this man brought you back there? A No sir, he said he didn't want them unloaded he said.
- Q What did he say about your staying there? A He didn't say anything; he wouldn't speak to me, and I stayed there one day and one night and he wouldn't speak to me until I spoke to him and then he just give me one answer.
- Q What did you say to him? A I told him me and him couldn't live together and I would like for him to give me a divorce if he couldn't support me.
- Q What did he say to that? A He said he couldn't give me a divorce.
- Q That was all the talk that past between you that last time? A Yes sir, that last time.
- Q About when was that when you left the last time, do you know? A Oh it has been about two years I guess.
- Q Neither of you never applied for any divorce? A No sir.
- Q Well state to the Commission whether they threatened you in any way or not, him or the children? A Well they threatened me, the whole family of them threatened me.
- Q In what way did they threaten you? A I can't tell you, I never could tell myself; they are just naturally mean.
- Q Did they threaten to kill you or have you killed or anything like that? A Well they threatened to poison me.
- Q How do you know? A I heard them say it; they told me.
- Q Did they tell you that? A Yes sir, they have told me that, that they would poison me.
- Q About how old was his oldest boy? A I can't tell you how old he was; he was old enough though to-
- Q 15 or 16 years old? A He was older than that, the oldest boy.
- Q Did he have one about 15 or 16? A Yes sir, his youngest boy I think when me and him was first married was about 12 years old. He didn't stike me any but he has cussed me.
- Q Barten be present when this would take place? A No sir, he wouldn't be present, but when I would tell him about it that would make him mad at me and he mistreated me on that account.
- Q He wouldn't correct them for their abusing you? A No sir, he was there one day when one of his boys struck me over the head with his fist.
- Q Didn't he correct his boy for that? A No sir, he just went in and asked him what did he strike me fer, that was all he said to his boy.
- Q Where did you go? A I just still stayed.
- Q When you left there where did you go? A I went to Mrs. Smith's, I have been staying with her ever since; she is my niece.
- Q Has he ever contributed anything toward your support since you left? A No sir, what time I lived with him I had to support him.

Q Neither of you had a place when you were married? A No sir.

Q And you never had down until the year of the Strip payment? A No sir.

Q And you claim your Strip money went into that? A Yes sir, my Strip money went into that that I know of.

Q Anything else you want to tell about it? A Well my witness here can tell you.

Q Well that you want to tell yourself? A No sir, I don't want to tell anything else I believe; I told everything I reckon I would set here a month.

Q Well anything about this man's mistreatment of you or the abuse of you? A Oh they abused me scandalous.

Q Well any other way except what you have told, by striking and cursing you and putting you out of the house? A No sir, that

Q That's about all you know about it? A Yes sir, that is all I can tell.

BY MR. GIBSON: The attorney for the applicant moves that the testimony of this witness be stricken out and not considered as a part of the records in this case, for the reason that the proof shows that the witness is the legally married wife of the applicant from whom she has never been divorced, and as such is not competent witness for nor against him; and not waiving this point, the attorney for the applicant cross examines her.

Q You left your husband about two years ago? A I think it has been about two years.

Q And you left him on account of his misconduct and mistreatment of you? A Yes sir, that is what I left him for.

Q How old is he? A I guess he is about 65, me and him are very near the same age.

Q He is in very feeble health? A He was not when I left him.

Q Isn't it a fact that you were in very poor health at the time that you married him? A No sir, well I was just so you know I was living alone and I couldn't help myself and I married him and I thought I would be better off but I missed it.

Q You were in very poor health at that time? A Yes sir.

Q Don't you know he went to Vinita to consult Dr. Fortner in regard to performing an operation on you on account of your affliction at that time? A I didn't know it; he never told me anything about it.

Q As a matter of fact you and he never did live together as man and wife? A Yes sir.

Q You occupied the same house, but never did sustain the relation of man and wife did you? A Yes sir.

Q You have never been divorced? A No sir, we have never been divorced.

Q How long did you live with him at the time you made the second trip back there that you spoke of? A I guess I lived with him about a year, the second time?

Q Yes ma'am. A About a year I guess.

Q What was the immediate cause of your leaving him the last time, tell what took place just before you left him? A His bad mistreatment that he give me.

Q What did he do? A Well he jerked me around one night and bruised my arm and sprung it.

Q And you left and went to Mrs. Smith's house? A Yes sir.

Q That Mrs. Emma Smith? A Yes sir.

Q And never have been back to live with him since? A No sir.

Q Have you ever offered to live with him since then? A This last time I went back I thought I would live with him if he treated me right.

Q But since you have been to Mrs. Smith's ~~he has~~ that house to live you have never been back and offered to live with him again? A No sir.

Q He has continued to live on the same place hasn't he? A I guess so, that is where I left him when I left.

BY MR. HASTINGS:

Q The last time you went there was when Tom Walker took you?
A Yes sir.

Q You didn't stay there but a day and night at that time? A That is all I stayed just a day and night.

Q I thought you said you stayed there a year the last time? A Oh that must have been the next time I reckon, the last time I went there to see him I only stayed a day and night; that is the time he wouldn't let me unload the things.

BY MR. GIBSON:

Q When was that that you went there? A That has been about two years ago.

Q How long did you stay there that time? A I stayed one day and one night.

Q What made you leave then? A Because he wouldn't speak to me.

Q Didn't think he treated you right? A He didn't treat me right.

Q Did he make you leave the house; you say he didn't speak to you at all? A He didn't speak to me at all.

Q So you thought he didn't want you and you left the place? A Yes sir, that's what I thought.

THOMAS WALKER, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Thomas Walker.

Q What is your post-office address? A Miami, now.

Q How old are you? A 24 years old the 3rd day of June.

Q Do you know this witness that just left the stand, Mrs. Cynthia Barton? A Yes sir.

Q How long have you known her? A Known her about four or five years now.

Q Do you know her husband, William T. Barton? A No sir.

Q Did you ever see him? A Seen him one night.

Q When was that? A It has been either two or three years, I won't be positive which, two years I guess this last fall.

Q What was the occasion of your seeing him? A Taking her out there.

Q Where did you take her from? A I took her from Southwest City, Missouri.

Q Take her in a wagon? A Yes sir.

Q What else did you have along? A I had some of her clothing and a bed of my own in there and I had some of her clothing taking along with her.

Q Where did you take her to? A I took her to old man Barton's.

Q Where did he live? A I couldn't tell.

Q Don't you know what part of the Nation, on what creek or what city or town? A No sir.

Q About how far was it from Southwest? A I couldn't tell you that.

Q About how many days were you on the road? A Two days and a half, I believe it was.

Q Which direction were you going, east or west? A I was going southwest best of my telling.

Q Did you go through any towns? A Yes sir.

Q What towns? A I can't tell.

Q Did you go through Claremore? A Yes, went through Claremore.

Q And further on west of there? A Yes sir.

Q When you got out to Barton's what did you do? A I didn't do anything.

Q Did you unload her goods? A No sir.

Q Why not? A Why he told me not to, if she had anything in there to unload.

Q Did? A Yes sir.

Q Did you see him speak to her? A Yes sir.

Q What did he say to her? A I don't remember now, just what he did say to her.

Q Are you positive about his speaking to her at all? A I won't be positive that he spoke first at all, I think she asked him a question before he spoke to her.

Q You remember what they were talking about? A Something about the place, I never paid no attention, didn't think it was any of my business.

Q Well he told you then not to take her things out of the wagon? A Yes sir.

Q What did you do? A Left them in the wagon.

Q Where did you go the next day, how long did you stay there? A We got there Sunday evening and left Monday morning I believe it was.

Q Did you take her back with you? A Yes sir.

Q Where did you take her to? A Back to Cowskin Prairie.

Q Near Southwest City? A Yes sir.

Q Did he talk to you any about this woman? A Yes sir.

Q What did he say? A I couldn't tell you what he did say.

Q Well about her staying there? A He just said he didn't want her to stay there, that if she had anything in the wagon not to unload it there, because he didn't want it.

BY MR. GIBSON:

Q You remember that he talked to her do you? A Yes sir, they had a talk, but then I never paid no attention to it.

Q You say you had a bed in the wagon? A Yes sir.

Q Were you going to go over there and live with him too? A No, I had my bed to sleep on going and coming.

Q She didn't have anything but clothing? A She had some clothing.

Q Did she take them out of the wagon? A No sir.

Q How many clothes did she have? A She had a valise and right smart bunch of clothes.

Q She any kin to you? A Yes sir.

Q What kin? A She is kin to my woman.

Q What kin is she to your woman? A She is an aunt of my woman.

Q She went in the house and stayed all night there did she? A Yes sir.

Q What time next day did you leave there? A Well sir, I couldn't tell you exactly, something about eight or nine o'clock in the morning I suppose.

Q How did you happen to leave? A I didn't want to stay where I thought I was not wanted.

Q Who told you to leave? A Nobody.

Q You just packed up and left without saying anything at all? A Yes sir.

Q Nothing said to her about leaving in your presence? A No, not in my presence.

Q Nobody told you to leave? A No sir.

Q You just thought she was not wanted there? A I didn't think nothing about it, I knew it.

Q How did you know, if nothing was said about it? A I knew from his talk.

Q What was his talk, tell what that was? A Well didn't I tell you he said he didn't want her things there?

Q Did you stay in the house that night? A No sir, I slept out in the wagon.

Q Did you hear any conversation between Barton and his wife after you first got there? A No sir.

Q No conversation next morning when you were leaving? A No, all the conversation I remember of them having was at the breakfast table.

Q You ate breakfast with the family? A Yes sir.

Q They were both at the table at the same time? A Yes sir.

Q What did they talk about there? A She just asked him for a divorce.

Q What did he say? A He said, I don't remember just how how he said it.

Q Did he refuse to give her a divorce? A Yes sir.
 Q Said he wouldn't let her have it? A Said he couldn't if he wanted to.
 Q That was just before you left? A Yes sir, that morning at the breakfast table.
 Q What time of day? A Oh I don't know hardly what time of day. I never paid no particular attention to that.
 Q So after ~~breakfast~~ she found she couldn't get a divorce she left? A Yes sir, she didn't stay very long, between eight and nine o'clock.
 BY MR. HASTINGS:
 Q Why did he say he couldn't give her a divorce if he wanted to?
 A He could not tell that himself, she asked him why, and he said, because.
 Q She asked him about this divorce, that was after he would not let you put the things out wasn't it? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William T. Barton for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 13, 1900, William T. Barton appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory on November 15, 1900, at Chelsea, Indian Territory on November 21, 1900, and at Muskogee, Indian Territory on March 10, 1902. A copy of the testimony taken at Vinita, Indian Territory on September 25, 1900, in the matter of the application for the enrollment of Susan Mochee has been filed herewith and made a part of the record herein.

The evidence shows that William T. Barton, was married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 10, 1893 to Mrs. Synthia Mitchell, a citizen by blood of the Cherokee Nation. The said William T. Barton is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said William T. Barton lived with his said wife about three years following their marriage; that they then separated on account of applicant's cruel treatment of his wife, and that since their separation the applicant has not contributed to the support of his said wife.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 647 of the Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation.

It is, therefore, the opinion of this Commission that the said William T. Barton abandoned his wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner

Dated at Muskogee, I. T.

this

J. 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 16, 1902.

In the matter of the application of WILLIAM T. BARTON, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

WILLIAM T. BARTON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A William T. Barton.
Q How old are you ? A Sixty five years old.
Q What is your post office ? A Collinsville.
Q Are you a white man ? A I am.
Q Claiming your right to citizenship as a citizen by intermarriage?
A Yes sir.
Q What is your wife's name ? A Cynthia.
Q Is she the wife through whom you claim your citizenship ?
A Yes sir.
Q When were you married to her ? A About eight years,
I think, you have my certificate.
Q Were you married under a Cherokee license ? A I was.
Q Is Cynthia your first wife ? A No sir.
Q How often had you been married before you married Cynthia ?
A Twice.
Q Was your first wife a white woman ? A Yes sir.
Q Was your second wife a white woman ? A Yes sir.
Q Were they both dead when you married Cynthia ?
A Yes sir.
Q Had Cynthia ever been married before she married you ?
A Yes sir, twice.
Q Were both her former husbands dead when you married her ?
A Yes sir.
Q Have you and your wife Cynthia been living together ever since
your marriage ? A No sir.
Q Have you separated ? A We have.
Q When did you separate ? A Well now, we have been separated
twice, if not three times. I rather think it is three times.
Q When was the first separation ? A It was about, I guess
about eighteen months after we was married first, may be two years.
Q Did you leave her or she leave you ? A She left me.
Q Did she come back to live with you after that ? A She did.
Q Then you quit again ? A Yes sir.
Q How long was she gone that time ? A She didn't take her
things off the second time, she stayed then about three months.
Q Then she came back to you ? A Yes sir.
Q How long did she stay with you the second time she came back ?
A About a year I guess.
Q Then she left again ? A Yes sir.
Q What was the date of your last separation ?
A I can't tell you.
Q How many years ago ? A About two years I reckon.
Q You have never lived together since that time ? A No sir.
Q Have you married since your last separation ? A No sir.
Q Have you lived in the Cherokee Nation ever since you married her?
A Yes sir.
Q Never lived anywhere else ? A No sir. I want to make
a statement right here: the witnesses upon which the Dawes
Commission bases their decision never has seen me since the day I
was married to her; never was on the place. They lived seventy
five miles from there
Q What is his name ? A Susie McGhee.

Examined by J. C. Starr:

Q Where were you living at the time the last separation took place ? A Out near Collinsville.
Q Did you have a home of your own ? A Yes sir.
Q What was the cause of this separation ?
A If you want to know the cause, it was simply her connections.
Q Her connections ? A Yes sir, they governed her fully, Susie McGhee and Mamie Smith, whatever they said to do that's what she done; at least that's what she told me; we never did have a fuss in our lives.
Q Did you ever try to get her to come back ? A If she wanted to go, she was determined to go.
Q Didn't she come back there afterwards and you refused to let her stay all night ? A She stayed all night, she sure did; and we sure had the best we had.
Q What was the name of your first wife ? A Her name was Sarah Bourn.
Q Where did you live ? A In Missouri, in Monroe county, she lived in north Missouri.
Q Did you live with her until she died ? A Yes sir.
Q Where were you living when she died ? A In Monroe county, Missouri.
Q What town ? A Near Shelbyville.
Q What was the name of your second wife ?
A Her name was Julia Jones.
Q Where were you married to her ? A In Randolph county, Missouri.
Q In what town ? A Moberly.
Q Did you live with her until she died ? A I did.
Q Where were you living when she died ? A About half way between Neosho and Carthage.
Q What was the name of your third wife's first husband ?
A Deck.
Q What was his first name ? A I can't tell you.
Q What was the name of her second husband ? A Mitchell.
Q What was his first name ? A I can't tell you. Names and dates and things like that are something that don't stay with me any longer than I am looking at them.
Q Do you know when they died ? A I think Mitchell was dead about a year before her and me was married, is my recollection. Deck was killed in bed with her, and she was supposed to be killed; she has got the scars on her head now.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 21, 1902.

E. C. Bagwell
B. C. Jones
Notary Public.

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 783.

Muskogee, I. T., March 4, 1902.

The City Marshal,

Collinsville, I. T.

Dear Sir:

Enclosed herewith find a notice which please go at once and serve on William T. Barton. Serve this notice by delivering one copy to him, and then make out your return in the lowest blank on the back of the other copy, swear to it before a Notary Public, and return to us by first mail possible, and send us a bill for your charges and we will be pleased to remit the amount. Please serve this at once, and get it back to us, as this case is set for hearing March 10th, 1902.

Yours truly,

ATTORNEYS

L. B. HELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

NO. F. D.

C. D. 783
Mr. M. Daniel,

Muskogee, I. T. March, 4, 1902.

Vinita,

I. T.

Dear Sir:-

Enclosed herewith find subpoena for Cynthia Barton to be at Muskogee, I. T. March, 10, 1902. I would like for you to go to Groves about the last of this week, and be sure to get this woman to be here on the 10th. I think if you will go by next Saturday, and start early enough to see her her by evening you can perhaps get her to come to Vinita on Sunday, so she can come on down here. I understand this woman is getting up in years, and for that reason, we want you to see that she gets conveyance to the railroad, and get her to come if you possibly can. I will leave this with you, and I sincerely hope you will be able to get her here next Monday.

Yours truly,

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NICHOLS
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 783.

Muskogee, Indian Territory, July 29, 1902.

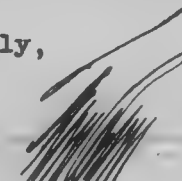
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of William T. Barton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 140.

COMMISSIONERS
HENRY L. DAVIS
JAMES BIXBY,
THOMAS B. NEEDLES
C. R. BRICKENRIDGE

ALLISON L. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN FULL TO THE FOLLOWING :

Cherokee D 783.

ADDRESSES ONLY THE
MEMBER OF THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 2, 1902.

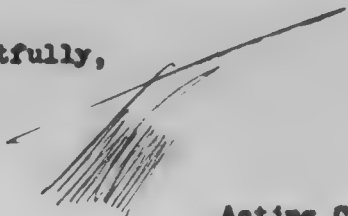
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission, rendered July 29, 1902, refusing the enrollment of William T. Barton as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior under date of August 30, 1902, and the applicant ordered enrolled.

Respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

William T. Burton

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Nov 12 1900.

B. Mem. of application. Nov 12 1900

C. Marriage license and certificate.

D. Supplemental testimony Nov 12-1900

E. Additional testimony. Nov 13-1900

F. Supplemental testimony Nov 21-1900

G. Notice of final consideration, 3/10/02

H. B. of. of service of notice 3/10/02

I. Supplemental testimony and
order closing testimony, 3/10/02.

Cancelled and applicant

Transferred to Cherokee 9684.

Cher D 784

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11/3/6

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 12, 1900.

In the matter of the application of Annie Belle Tittle for the enrollment of herself as a Cherokee by intermarriage and her husband and children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q What is your full name? A Annie Belle Tittle.
Q How old are you? A 28.
Q What is your post office address? A Vinita.
Q What district do you live in? A Coowascoowee.
Q Who do you want to have enrolled, yourself and family? A Yes, sir.
Q Have you a husband that you want to apply for? A Yes, sir.
Q How many children? A Three.
Q Are you a Cherokee by blood? A No, sir.
Q Your husband a Cherokee by blood? A Yes, sir.
Q When were you married to your husband? A We have been married seven years the 23rd of January.
Q Were you ever married before? A No, sir.
Q Have you lived with him and in the Cherokee Nation ever since you married him? A Yes, sir.
Q Give me the name of your husband? A Daniel Edgar Tittle.
Q How old is he? A 26.
Q Was he born in the Cherokee Nation? A Yes, sir.
Q Has he lived here all his life? A Yes, sir.
Q Give me the name of his father? A Robert Tittle.
Q Is he dead? A No, sir.
Q Give me the name of his mother? A Mary Susan.
A She alive? A Yes, sir.
Q What was your name before you were married? A My name was Brunnet.
Q Was your husband ever married except to you? A No, sir.
Q Give me the name of your children? A Frederick Tittle is the oldest one.
Q How old is that child? A He will be 6 years old in January.
Q The next child? A Vera, 3 years old next August.
Q The next child? A Emory, 3 months old.
Q They are all living now are they? A Yes, sir.
Q Have you a certificate of your marriage? A No, sir, I have not.
Q Where is your husband now? A He is in Colorado.
Q What is he doing in Colorado? A He was at work there when I left him.
Q When did you leave Colorado? A I left there on Saturday, it will be three weeks next Saturday.
Q How long had you been there? A I went there the 10th of May.
Q What is your husband doing out there, what kind of work? A He is working in a hotel.
Q Does he keep the hotel? A No, sir.
Q How long has he been out there? A He has been out there ever since the 10th of March.
Q Was that the first time he ever went to Colorado? A Yes, sir.
Q Has he gone out there to make his home? A No, sir.
Q How does he happen to go out there and engage in employment? A He got into trouble at home.
Q What kind of trouble? A He had a fight with a negro.
Q Is that the reason he doesn't come back and make his own application? A Yes, sir.
Q When do you expect him to come back to the Indian Territory, or the Cherokee Nation? A I expect him as soon as this Grand Jury meets at Vinita.
Q And he gets over that trouble? A Yes, sir.
(Daniel E. Tittle on 1880 roll, page 325, No. 2619, Delaware dist.; on 1886 roll, page 543, No. 3149, Delaware district. Annie Belle Tittle

Annie Belle Tittle - 2.

on 1886 roll, page 580, No. 543, Annie B. Tittle, Delaware district. Frederick Tittle on 1886 roll, page 543, No. 3150, Frederick Tittle, Delaware district.)

Q Does your husband consider hi self only temporarily in Colorado?

A Yes, sir, he expects to come back.

Q How does he expect to get over the trouble that keeps him in Colorado? A He don't expect to be indicted before the Grand Jury.

Q Why doesn't he stay and face the indictment? A Well, I don't know.

Q You see he is in the attitude of evading the law. A If he was back before the Grand Jury meet he might be indicted, and if he stays there he wouldn't be indicted.

Q When does the Grand Jury meet? A I don't know, it meets right away.

Q You think it meets in December, do you? A No Yes, sir.

The applicant applies for the enrollment of herself, husband and three children. Her husband is identified on the rolls of 1880 and 1886 as a native Cherokee. She states that he has lived in the Cherokee Nation all his life except that since March of the present year he has been in Colorado; that his absence is temporary, but is caused by a difficulty in which he became involved in the Cherokee Nation, and that he is not present at this time because of his fear arising from that difficulty. Inasmuch as his attitude is at present one of evasion of the law, a doubt is entertained as to the propriety of taking the application for him. He will be listed as a Cherokee by blood upon a doubtful card for the further consideration of his case.

The applicant states that she and her husband were married some seven years ago, they have lived together ever since their marriage, neither were previously married, and she is identified with her husband and with her oldest child on the roll of 1886. She will now be listed upon a doubtful card as a Cherokee by adoption.

Her oldest child is identified with its parents on the roll of 1886, he is living now, and he will be listed with his father and mother, his status being that of a Cherokee by blood. When certificates of birth are presented of the two youngest children, Vera and Emery, they also will be listed with their parents as Cherokees by blood.

The final decision of the commission will be communicated to the applicants at her post office address.

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Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of November, 1900.

CR McNeill

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Daniel E. Tittle for the enrollment of himself and wife as Cherokee citizens.

Appearances: W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 10th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application. Receipt has been acknowledged of the Commission's letter.

The applicant this day, to-wit: the 10th day of March, 1902, being called and failing to respond either in person or by attorney it is considered that the case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

10

1603,

DEPARTMENT OF THE ARMY
SIGNAL TO THE ARMY
FILE
JUL 10 1967

1. The first part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

... ..

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of DANIEL E. TITTLE, ET AL.,
for enrollment as citizens of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

FELIX G. COWAN, called as a witness, being duly sworn and
examined by the Commission, testified as follows:

- Q What is your name ? A Felix G. Cowan.
Q How old are you ? A Thirty six.
Q What is your post office address ? A Vinita, I. T.
Q Are you acquainted with the applicant in this case, Daniel E.
Tittle ? A Yes sir.
Q Are you acquainted with his wife Annie Belle Tittle ?
A Yes sir.
Q You may state what you know about the marriage of these two
persons ? A I was present at their marriage.
Q Do you know when that was ? A Yes sir, in the year 1894.
Q Who married them ? A John Duncan.
Q Is he a Minister of the Gospel ?
A No sir, he was clerk of the district at that time.
Q Did Daniel E. Tittle and his wife continue to live together
as man and wife to his death ? A Yes sir.
Q Were they generally recognized as such throughout the community ?
A Yes sir.

E. C. Bagwell, on oath states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this July 9, 1902.

Seal

J. H. Rester
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 26, 1902.

In the matter of the application of DANIEL E. TITTLE, for the enrollment of himself, and his children FREDERICK, VERA, and HARRY E. TITTLE, as citizens by blood of the Cherokee Nation; and for the enrollment of his wife Anna B. Tittle, as a citizen by intermarriage of the Cherokee Nation:

M. O. GARRARD, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A M. O. Garrard.
Q What is your age and post office address ? A Thirty two years old; post office, Vinita, Indian Territory.
Q Were you acquainted with the applicant in this case, Daniel E. Tittle, prior to his death ? A Yes sir.
Q You know his wife Anna B ? A Yes sir.
Q When were they married ? A On the 22nd day of January, 1894.
Q Did you witness the ceremony of marriage ? A I did.
Q Who performed it ? A John Duncan, clerk.
Q Did they live together continuously from that time up to the time of the death of Daniel E. Tittle ? A Yes sir.
Q Were they generally recognized in the community as man and wife ? A Yes sir.

Examined by Mr. Hastings:

- Q Neither had ever been married before ?
A No sir.

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled case, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this September 2, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 8th, 1902.

In the matter of the application of Daniel E. Tittle for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Anna B. Tittle, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Frederick, Vera and Emery E. Tittle, as citizens by blood of the Cherokee Nation.

Supplemental to D-784.

Cherokee Nation appears by J. C. Starr.

ANNA B. TITTLE, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your full name? A. Anna Bell Tittle.
Q. How old are you? A. 28 last January.
Q. What is your post office? A. Vinita.
Q. You are a white woman, are you? A. Yes, sir.
Q. You are claiming as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of the husband through whom you claim?
A. Daniel E. Tittle.
Q. Is he your first husband? A. Yes, sir.
Q. Are you his first wife? A. Yes, sir.
Q. Neither of you ever married before? A. No, sir.
Q. How long has your husband lived in the Cherokee Nation?
A. He has lived in the Cherokee Nation all his life only when he has been on a visit.
Q. When were you married? A. 23rd day of January, 1894.
Q. Have you been living with your husband in the Cherokee Nation ever since you were married in 1894? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Living together on the first day of last September? A. My husband died last December.
Q. You lived with him from the time you were married in 1894 up until the time of his death? A. Yes, sir.
Q. You have lived in the Cherokee Nation ever since he died?
A. Yes, sir.
Q. You haven't married since his death? A. No, sir.
Q. How many children have you? A. Three.
Q. Living with you? A. Yes, sir.
Q. They have lived in the Cherokee Nation all their lives?
A. Yes, sir.

BY MR. STARR:

- Q. Have you been out of the Cherokee Nation at any time since you were married? A. Yes, sir. Not longer than 2 or 3 months at a time.
Q. Where did you go? A. We were in Colrade at one time.
Q. When was that? A. That was three years ago this spring.
Q. How long did you stay there? A. Stayed there three months.
Q. Then where did you go? A. Come back.
Q. Were you out any other time? A. Went to Oklahoma.
Q. How long did you stay in Oklahoma? A. We was in Oklahoma three or four months.
Q. Where were you in 1898? A. In Vinita.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of November, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Anna B. Tittle for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her husband, Daniel E. Tittle, and their minor children, Frederick, Vera and Emery E. Tittle, as citizens by blood of the Cherokee Nation.

II II II II II II II II

DECISION.

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The record in this case shows that on November 12, 1900, Anna B. Tittle appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her husband, Daniel E. Tittle, and their minor children, Frederick, Vera and Emery E. Tittle, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 30, and October 8, 1902.

The evidence shows that the said Daniel E. Tittle is a native Cherokee and is identified as such on the 1880 Authenticated Roll of the Cherokee Nation and on the 1896 Census Roll of said Nation. The said Anna B. Tittle and Frederick Tittle are also identified on said 1896 Census Roll, the former as an adopted white and the latter as a native Cherokee. The said Vera Tittle and Emery E. Tittle are too young to appear upon any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

It further appears that said Daniel E. Tittle was lawfully married to Anna B. Tittle (formerly Brummet), a white woman, in 1894, and that the minor applicants herein are the issue of such marriage.

The evidence further shows that said Daniel E. Tittle resided in the Cherokee Nation all his life. His death occurred on December 16, 1901, as evidenced by a death affidavit made a part of the record herein.

It is further shown that Anna B. Tittle has lived continuously in the Cherokee Nation with her said husband from her marriage to him up to and including his death, and continued to reside therein and had not remarried, up to and including September 1, 1902. The minor children applicants herein have lived all their lives in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Anna B. Tittle should be enrolled as a citizen by intermarriage, and that Frederick Tittle, Vera Tittle and Emery E. Tittle should

-2-

be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 498), and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Daniel E. Tittle as a citizen by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby
Acting Chairman.

(SIGNED).

T. B. Needles
Commissioner.

(SIGNED)?

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 30 1903

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-704

RECEIVED
JAN 31 1903
U. S. DEPT. OF THE INTERIOR

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

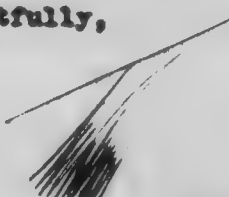
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of Anna E. Tittle for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children, Frederick, Vera and Mary E. Tittle as citizens by blood of the Cherokee Nation, and dismissing her application for the enrollment of her husband, Daniel E. Tittle as a citizen by blood of said Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Enc. M-4173

Acting Chairman.

Decision

IN THE MATTER OF THE APPLICATION OF

Daniel E. Little et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Nov 12 1900

B. Mem. of application Nov 12 1900

C. Affidavit of birth - Emory E. Little.

D. Affidavit of birth - Vera Little.

E. Notice of final consideration, 3/10/02

C. J.

F. Order closing testimony. 3/10/02

G. Can. of [unclear] transferred
to [unclear] 2/23/03

Chen D 785

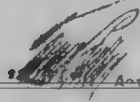
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 18 1900



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., NOVEMBER 13th, 1900.

In the matter of the application of William Thomas Gilliam for enrollment as a citizen of the Cherokee Nation; said Gilliam being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Thomas Gilliam.

Q What is your age? A 25.

Q What is your post office address? A I am in the Creek Nation now. Frye.

Q What district do you live in? A I do not know what district it is.

Q What district do you live in in the Cherokee Nation? A Coowees-coowee.

Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.

Q Who do you want to enroll? A Just myself.

Com'r:--Applicant presents a transcript of the proceedings of the United States Court, Indian Territory, for the Southern District, in the case of Eliza S. Gillam et al. versus Cherokee Nation, No. 68. The decree being entered by the Honorable Hosea Townsend, Judge of the United States Court, Southern District, Indian Territory, on the 24th day of December, 1897. Said decree ordering, among others, that one William T. Gillam be enrolled as a citizen of the Cherokee Nation. Said transcript being certified to as correct by C. M. Campbell, Clerk of said Court, on the 12th day of August, 1899, under the seal of said Court.

Q Are you the identical W. T. Gillam mentioned in this? A Yes, sir.

Q Does your name appear upon any of the rolls of the Cherokee Nation? A No, I guess not.

Q Where were you born? A In Tennessee.

Q When did you remove to the Cherokee Nation? A I have been in the Cherokee Nation and out for the last four years.

Q Are you a single man? A Yes, sir.

Creek

Q Where does your father live? A He lives in the ~~Cherokee~~ Nation.

Q Has he ever lived in the Cherokee Nation? A Yes, he lived in the Cherokee Nation last winter.

Q What is his name? A Morgan Gilliam.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q Where were you living in 1896? A Chickasaw country.

Q Up to that time had you ever lived in the Cherokee Nation? A No, sir.

Q Where were you living in December, '97? A I was in the Chickasaw country.

Q Up to that time had you ever lived in the Cherokee Nation? A Yes, sir.

Q Where? A At Texana.

Q Canadian district? A Yes, sir.

Q How long had you been up there? A About three months.

Q When you applied for citizenship you were in the Chickasaw Nation? A Yes, sir.

BY COMMISSIONER NEEDLES:

Q You made your home with your father's family? A Yes, sir.

BY W. W. HASTINGS:

Q When did you come from Tennessee? A When I was four years old.

BY COMMISSIONER NEEDLES:

Q Your name is spelled here Gillam, you spelled it Gilliam, which is your name? A Gilliam.

Com'r Needles:--The name of William T. Gilliam is not upon any of the authenticated or census rolls of the Cherokee Nation, but he presents a transcript of proceedings of the United States Court, admitting him among others to citizenship in the Cherokee Nation, more fully described in the testimony. For proof as to his residence

COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 18 1900

William T. Gilliam;--2.

testimony taken in his case is referred to. For the reason the Representatives of the Cherokee Nation protest against the enrollment of said William T. Gilliam on the ground that he was not legally admitted to citizenship, the enrollment of said William T. Gilliam will be suspended and his name will be placed upon a doubtful card.

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J. D. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Reason

Subscribed and sworn to before me this 13th day of November, 1900.

W. H. H. H.

Commissioner.

R

C. D-785

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
William T. Gilliam for enrollment as a Cherokee citizen.

Appearances:

W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant was also requested to file with the Commission a certified copy of the judgment of the Court showing his admission to citizenship in the Cherokee Nation. There is this day, to-wit: the 10th day of March, 1902, received and filed by the Commission a certified copy of the judgment of the United States Court, for the Southern District of the Indian Territory, showing that the applicant was admitted to citizenship in the Cherokee Nation by said Court under the provisions of the act of Congress approved June 10, 1896. 22

The original application filed with the Commission for admission to citizenship in the Cherokee Nation under the provisions of the act of Congress approved June 10, 1896, are not at this time in the possession of the Commission, but in the possession of the United States Court for the Southern District of the Indian Territory.

BY MR. HASTINGS: The Cherokee Nation asks that the case be closed, with the right reserved to the Cherokee Nation to file a copy of the original papers filed in this case, either before the Commission in 1896 or the United States Court upon appeal, and that time be granted the Cherokee Nation to file brief contesting the question as to the jurisdiction of the court to admit these people on appeal from the Commission.

BY COMMISSION: The request of the Cherokee Nation will be complied with.

The applicant having this day, to-wit: the 10th day of March, 1902, been called and failing to respond either in person or by attorney, it is considered that the case is completed and same is ordered reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William T. Gilliam, for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

—000—

The record in this case shows that on November 13, 1900, William T. Gilliam appeared before the Commission at Claremore, Indian Territory, and made application for his enrollment as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 10, 1902.

The evidence shows that William T. Gilliam made application, among others, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation by reason of his Cherokee blood; that his said application was denied, and that on appeal from such decision to the United States Court in Indian Territory for the Southern District, the decision of the Commission was reversed, and the said William T. Gilliam was admitted to citizenship in the Cherokee Nation, as a citizen by blood of said Nation on December 24, 1897.

The evidence further shows that the said William T. Gilliam has been a resident of Indian Territory since the date of his admission to citizenship.

It is, therefore, the opinion of the Commission that William T. Gilliam should be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskegee I. T. December 2nd 1902.

In the matter of the application of
William T. Gilliam for enrollment as a citizen of the Cherokee nation.

Cherokee D # 785.

Protest of the Cherokee Nation.

The Cherokee Nation respectfully protests against the decision of the Commission rendered on November 20th 1902 in the above case and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The first proposition that we will consider is the jurisdiction of the United States Court for the Southern District of the Indian Territory to hear and determine this case. In 1896 at the time the applicant appealed from the decision of the Commission there were three judges in the Indian Territory as provided in the act of March 1st 1895 (28 U. S. Stats at large Chapter 145 Page 693.)

The act which gave this commission power to hear citizenship cases contained the following provision in regard to appeals:

"That if the tribe or any person be aggrieved with the decision of the tribal authorities or the commission provided in this act, it or he may appeal from such decision to the United States District Court."

Technically there was no such court in the Indian Territory as a District Court, and as the United States District for the Western District of Arkansas was the nearest District Court some good lawyers thought the provision applied to that court, and some appeals were actually taken there. A review of the other laws existing at that time in this jurisdiction made it plain what Congress intended, and that was that the appeals should be prosecuted before the United States Judges in the District in which the cause of action arose, and particularly in which the Nation was situated. The act above referred to provided for the appointment of three judges and also provided as follows as to their powers:

"The judges shall have within the judicial districts for which they are appointed all such authority, both in term time and vacation, as to all matters and causes both criminal and civil pending or that may be brought in said Districts."

It is plain therefore that the judge had power only in his district to entertain such matters as were either lawfully pending or lawfully brought in their respective districts. To sustain this proposition we call attention to the decision of Chief Justice Fuller in the case of

Stephens Vs the Cherokee nation, 174 U. S. 446, in which he construes this portion of the act, as we contend, as follows:

"The act (Referring to the Curtis Bill, which contains the same provisions as the act of 1898) gave jurisdiction to the United States Courts in the Indian Territory in their respective districts to try cases against those who claim to hold lands etc."

Section 7 of the act of 1898 which gives the jurisdiction in regard to suits in the respective districts has the following provision:

"All civil suits shall be brought in the District in which the defendant or defendants reside or may be found."

Undoubtedly then Congress intended no change in the systems of law or the jurisdiction of the several District Judges in allowing appeals in an act passed a little more than a year thereafter. And again contemporaneous construction of acts of Congress by all parties concerned is always weighty argument in determining how the court should hold. The Nations and litigants alike in these cases, with the exception of three cases from the Cherokee nation, all took their appeals to the District court in that Dis-

trict in which the Nation was situated. This was certainly the Natural Course, because Congress did not presume that a man would be applying for citizenship in a Nation nor claim to be a citizen of a Nation in which he himself did not reside. And therefore the presumption was that the applicant for citizenship was a resident of his own Nation, and that they would both be in the same district, and therefore where the plaintiff or defendant under the law would have to prosecute their appeals in the same district. There was no waiver of this jurisdictional fact, even if it could be waived, and the Nation can now attack it as well as at any other time.. The Judgment of the Commission to the Five Civilized Tribes was just and valid. Its reversal was ~~not~~ by a court without jurisdiction and the judgment of that court is in the teeth of the recognized law governing such cases, and is a fraud upon the nation against which it was rendered.

And this Commission is given plenary power in other acts passed by Congress touching its powers to protect the Nation against fraud. If, however such a judgment was good it was set aside by the Curtis bill, which provides that they should not enroll any citizen who had not previously removed to and in good faith settled in the Nation in which he applies to be enrolled.. This would not be necessarily setting aside the judgment of another court. A man who acquired citizenship by the courts judgment certainly had no higher rights of citizenship than a man who acquired it by his birth, and yet the act of 1898 gives full power to the Commission to refuse to enroll a man who though born in the Cherokee Nation, had effectually removed therefrom, and attempted to be enrolled by returning after the specified time. It was similar to an act passed on December 4th 1894, by the Nation itself, which provided that those people who had hitherto been admitted to citizenship lawfully by the act of its Council would be deprived of such citizenship unless they returned to the Nation within six months after the passage of the act. But suppose for the sake of argument we should say that the Curtis bill under this view was interfering with the judgment of the United States Court for the Southern District that was valid. Still these parties can not be enrolled. Because Congress unlike the states can pass no kind of retroactive laws which do not have the effect of divesting vested rights. The Supreme Court in the Stephens case decided that the citizenship judgments carried with them no property rights, and that the citizenship judgments were not judgments carrying

with them any property rights or vested rights. We find the following in that decision with reference to the contention at that time pressed by counsel touching this matter:

"The mere expectation of a share in the public lands and moneys of an these tribes if hereafter distributed, if the applicant were admitted to citizenship, can not be held to amount to such an absolute right of property that the original cause of action, which is citizenship or not, is placed by the judgment of a lower court beyond the power of reexamination by the higher court, though subsequently authorized by general law to exercise jurisdiction."

That decision decided that the lands and money of the nation were public lands and public moneys and that the assertion by the applicant that his right therein was so vested as to preclude inquiry into his citizenship involved a contradiction in terms. In 1836 in an inquisition by a jury condemning certain railway lands for the railway company was ratified and confirmed by a court of competent jurisdiction. Five years afterward the legislature of the state passed an act directing the court to set aside the inquisition and cause a new one to be made, which the court accordingly did. The case was taken to the Supreme Court of the United States. The railroad contending that the act was unconstitutional and void. The supreme court however, in the case

Railway Company Vs Nesbitt, 10 How ., 395, held the act to be valid and said:

"This intervention, too, was the exercise of power by the legislature supposed by that body to belong legitimately to itself; whether this authority was strictly legislative or judicial according to the distribution of power in the state government was a question rather for that government than for this court to determine."

In Freebore Vs Smith, 2 Wall., 100, a case where Congress had allowed an appeal where the judgment would have otherwise been final the court used this language:

"If the judgment below was erroneous the plaintiff in error had the moral right at least to have it set aside and the defendant is only claiming a vested right in a wrong judgment."

Upon this point of a wrong judgment and a vested right we quote the following language of Mr Justice Miller in

Freeland Vs Williams, 131 U. S., 405.

"Many other cases might be cited in which it was held that retrospective statutes when not of a criminal character though affecting the rights of parties in existence are not forbidden by the Constitution of the United States."

Now applying these doctrines here it is apparent that the parties here in had no vested right in the judgment of the United States Court for the

Southern District of the Indian Territory, even if the court rendering the judgment was within its jurisdiction. That supposed right in the judgment can not be bought sold or assigned; none of its rights have arisen upon a contract, or a transaction in the nature of a contract; no property or contractual rights have completely or definitely accrued to or settled in these applicants. The judgment is not a right of action and is not a right in property; and in as much as said judgment was an error in fact and law the parties can have no vested right in such an error.

We think therefore we have established two propositions, first that the appeal was wrongfully taken, and that therefore the original judgment of the Commission is the only valid judgment in the case. Second that if this is not true that Congress had the right to pass a law restricting the effect of that judgment after it was rendered..

In the case of *Hoff Vs Burney*, 168 U S 218, the court decided that the citizenship which the Nation could confer it could withdraw; and it most certainly must be true that the great government of the United States can withdraw any such rights and privileges which it by its laws had once conferred.

This leaves us, therefore, to the proper construction of section 21 of the act of June 28th 1898, in which occurs this language:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

A man's citizenship is always where his domicile is. Domicile does not necessarily mean the place where a man actually resides; but it is the place where in fact and in law is his home. No man can have a domicile in any state or community in which he was not born, and in which his parents were not born, and in which neither his parents or himself ever resided.

That proposition is too plain for further argument. We do not maintain

that the fact that a citizen of the Cherokee nation may be residing temporarily with his family in some other of the Five Civilized Tribes forfeits his citizenship, where he has at one time had citizenship and a residence in the Nation, and certainly not where, though absent, he has owned property in the nation and continues to own it and keeps in touch with its affairs, because he constructively resides in the Cherokee Nation.

and in fact and in law resides there. In other words under the laws of the nations and states he would be entitled to vote there. Does any one contend that a man whose parents were never connected with the Cherokee Nation as at present constituted, who was born of those parents in a distant state and lived in that state until his majority and he afterwards removed to the Chickasaw nation would be entitled to a vote in the Cherokee Nation? Did these people establish any such residence in the Cherokee Nation or domicile of any kind prior to June 28 1898? If not that act prevents their enrolment. And in as much as these are uncontroverted facts the Commission can not enroll them.

The Second proposition which we shall discuss is the present residence of the applicant which is shown to be in the Creek nation and not in the Cherokee Nation. Now then the act herein above just quoted provides that no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship. And the first definition in the recent agreement submitted by Congress by an act approved July 1st 1902 and ratified by the Cherokee people August 7th 1902 defines the word "Nation" to be the "Cherokee Nation" hence the representative of the Cherokee Nation is at a loss to know how the Commission can possibly interpret the word nation as used in Section 21 of the Curtis bill to mean the "Territory of the Five Civilized Tribes" or the "Territory of the ~~Five Civilized Tribes~~ Five Civilized Tribes" to be the Cherokee nation. What the Cherokee nation would like to have is a flat footed decision by the Department upon the question as to whether the word Nation means the Cherokee nation or whether it means the Indian territory and if it means the Indian territory what shall we do with the definition contained in the recent Cherokee Agreement hereinabove referred to?

For the two reasons namely that the United States Court for the Southern District of the Indian Territory had no jurisdiction over the case of this applicant upon appeal from the Commission to the Five Civilized Tribes and furthermore had no right to admit the applicant and for the second reason that residence in the Creek nation is not regarded by the Representative of the Cherokee nation as residence in the Cherokee Nation as is required by section 21 of the Curtis bill. The Cherokee Nation respectfully submits that the Commission's decision in this case should be reversed.

Respectfully submitted,

W. W. H. H. Atty Cherokee nation.

COMMISSIONERS
HENRY I. DAWES
TAMM L. KRY,
THOMAS D. NEEDLES
C. R. BRACKENRIDGE

ALLISON L. AYLESWORTH
PORTLAND, ME.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ANSWER IN REPLY TO THE FOLLOWING

Cherokee D 785.

ADJUTANT GENERAL
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

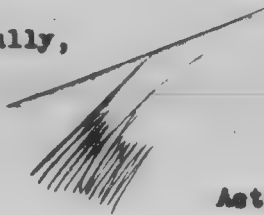
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of William T. Gilliam for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 21.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-785

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of William T. Gilliam for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 9, 1903.

Respectfully,



Acting Chairman.

COMMISSIONERS

HENRY L. DAWKS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILE IN REPLY IN THE FOLLOWING

Cherokee D 785.

ALLISON L. AYERSWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 5, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

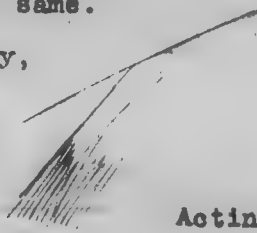
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision granting the application of William T. Gilliam for the enrollment of himself as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on November 20, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

William T. Gilliam

FOR ADMITTANCE AS

CHEATHEE CITIZENS.

A. Original testimony Nov 13. 1900

B. Memo. of application Nov 13-1900

C. Notice of final consideration, 3/1/02

D. Certificate and order of admission
by U.S. Court, Southern Dist. 1897

E. Supplemental proceedings
and order closing testimony

Exhibits referred
to Court


Cher D 786

Nos. 1 & 3 trans. to Cher 10275

Cher D 786

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 13 1900

 AGENT STANLEY

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 13, 1900.

In the matter of the application of Jefferson J. Fields for the enrollment of himself and children as Cherokee by blood and his wife as a Cherokee by intermarriage: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Jefferson J. Fields.
Q How old are you? A I am 48 years I guess.
Q What is your post office address? A Collinsville.
Q What district do you live in? A Cooweescoowee I reckon.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes.
Q Who do you want to enroll, yourself? A Yes.
Q Who else? A My kids, and old woman.
Q You mean your wife and children, don't you? A Yes.
Q What is the name of your wife? A Eliza.
Q She a citizen by blood? A No, sir.
Q How old is she? A About 27 or 28 I guess.
Q When did you marry her? A About 15 years ago.
Q Got any certificate of marriage? A No, I haven't.
Q What was her name before you married her? A Burge.
Q A non citizen? A Yes, sir.
Q What are the names of your children? A The oldest one I
Gone.
Q How old is she? A She is going on 14 I think.
Q The next child? A Fannie, she is two years younger than Cora.
Q The next one? A May, she is going on 9 I reckon, 9 or 10.
Q The name of the next child? A Mary Jane.
Q How old is Mary Jane? A She is going on 7, I think, or eight.
Q Well? A Maudie, 4 years old; the youngest one is Chert R.,
19 months old.
Q That all, six children? A Yes.
Q Is Eliza Burge the mother of all these children? A Yes.
Q You have no certificate of marriage? A No, sir.
Q No proof of marriage? A Yes, we were married according to
the old Cherokee laws.
Q Well, you have got to prove this to us in some way.
(Jefferson J. Fields on 1880 roll, page 256, No. 1015, Jefferson
Fields, Delaware district, native Cherokee; on 1896 roll, page 156,
No. 1679, Jeff J. Fields, Cooweescoowee district.)
Q Has your wife been enrolled; did she come in and enroll herself?
A Not that I know of.
(Eliza Fields on 1896 roll, page 304, No. 355, Liza Fields, Cooweescoowee district. Cora Fields on 1896 roll, page 156, No. 1688, Cooweescoowee district. Fannie Fields on 1896 roll, page 156, No. 1689, Cooweescoowee district. May Fields on 1896 roll, page 156, No. 1690, Cooweescoowee district. Mary J. Fields on 1896 roll, page 156, No. 1691, Cooweescoowee district.)
Q These children all alive and living with you? A Yes, sir, six.
Q You have been living with Eliza Fields continuously since you married her? A Yes.
Q Is she your first wife? A No.
Q Is your first wife living? A Yes, she married a man named Stallsworth.
Q Were you divorced from her? A No, I don't guess I was; I thought her marrying divorced me from her.
Q She married another man after she lived with you? A Yes, sir.
Q When? A It has been about three or four years ago.
Q Were you ever married to her? A No, sir.
Mr. W.W. Hastings, representative of Cherokee Nation: When did you

Jefferson J. Fields - 3.

and Eliza Stallsworth, nee Asair, begin living together as husband and wife? A I guess it has been about 26 or 27 years ago.

Q You were living with her in 1880? A I think so, I am not certain.

Q You had her enrolled in 1880 as your wife? A Yes, sir.

Q You held her out to the community as your wife? A I think I enrolled them.

Q You had how many children by her? A I will have to count up.

Q You have had eight or ten? A Yes, I guess so.

Q When did you quit living with her? A I can't tell positive.

Q About when? A It has been - after we parted she lived with the kids, I kept them up all right.

Q When were you married to this woman, your present wife? A It has been about 14 or 15 years ago.

Q Who married you? A I can't tell you his name.

Q Were you lawfully married to her, or did you just take up with her? A We just lived together, I lived with her some as the other, according to the old Cherokee law.

Q Then you never were married by a minister? A No.

Q Nor you were not married by any officer? A No, sir.

Q No ceremony was performed? A No, sir.

Q She was a white woman? A Yes, sir.

Commissioner Needles: The name of Jefferson J. Fields appears upon the authenticated roll of 1880 as Jefferson Fields, and upon the census roll of 1896 as Jeff Fields. He is duly identified and makes satisfactory proof as to his residence, and said Jefferson J. Fields will be duly listed for enrollment as a Cherokee citizen by blood.

He avers that he is living with a woman named Eliza Burge, a white woman. No marriage ceremony was ever performed. By said woman he has six children, Cora, Fannie, May, and Mary J., whose names appear upon the census roll of 1896. He makes satisfactory proof of birth of two children, Maudie and Robert R., born since the census roll of 1896 was compiled, and whose names consequently do not appear thereon. Satisfactory proof of residence has been made as to said children, and the said Eliza, whom he claims to be his wife. The proof shows that he resided with a former wife a number of years, by whom he had eight or ten children, and secured no divorce from her. Consequently, because of the testimony in this case, and in case No. 4463, the application of his former wife, Lena Stallsworth, final judgment as to the enrollment of the said Eliza Burge as a Cherokee citizen by intermarriage, and the said children, will be suspended, and their names will be placed upon a doubtful card.

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Ernest C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Ernest C. Jones

Sworn to and subscribed before me this, the 13th of November, 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., November 14, 1900.

In the matter of the application of Georgia Ann Waybourn for the enrollment of herself and husband as Cherokee citizens; being sworn and examined by Commissioner Breckinridge she testified as follows:

- Q Give me your full name? A Georgia Ann Waybourn.
Q How old are you? A 24 years old.
Q What is your post-office? A Talala.
Q Do you live in Cooweescoowee District? A Yes sir.
Q Do you want to enroll yourself and family? A Just my husband, he is the citizen.
Q Do you want to apply for your own enrollment to? A I would like to, yes sir. your
Q Just yourself and husband? A Yes sir.
Q You have no children? A No sir.
Q Are you a Cherokee by blood? A White woman.
Q Your husband is a Cherokee by blood is he? A Yes sir.
Q What was your name before you were married? A Smart.
Q Was that your maiden name? A Yes sir.
Q Were you ever married before you married your present husband? A No sir.
Q How long have you been married? A It will be two years in April.
Q Three years next April? A Yes sir.
Com'r: You married too late for your own enrollment.
Q You have lived with your husband ever since you were married to him? A Yes sir.
Q Give me the name of your husband? A Bud Waybourn.
Q How old is he? A 40 years old.
Q Where is he at this time? A He has been gone for six weeks away.
Q Where has he gone? A He went away to look after some cattle in the south part of Texas.
Q He is off on business trip? A Yes sir.
Q How long has he lived in the Cherokee Nation? A He has lived here all his life I suppose. I never heard of his being away, or heard him speak of being anywhere else but right here.
Q Give me the name of his father? A I couldn't to save my life.
Q You don't know the name of his mother? A No sir.
Q Is your husband's real name W. L. A Wilson Logan is his real name.
1880 roll page 209 #3450 W.L.Waybourn Cooweescoowee dist, native Cherokee, 23 years old;
1896 roll page 280 #5107 Wilson L. Waybourne Cooweescoowee Dist.

Examined by Emmett Starr Cherokee Rep've:

- Q Has your husband a divorce from his former wife? A Yes sir.
Q Have you got the decree of divorce? A No sir, I haven't got it.
Q Has your husband been gone six weeks? A That's all.
Q Has he not been gone a year or so? A Not out of the Territory.
Q Out of the Cherokee Nation? A No sir.
Q Isn't he scouting now? A He is on the lookout, but he hasn't been out of the Cherokee Nation only six weeks.
Q Wasn't he arrested for a crime and didn't he make an escape from the Marshal some year or so ago? A Yes sir.
By Com'r Breckinridge:
Q He has never had a trial for that crime? A No sir.
Q What was he accused of? A Of Taking cattle.

- Q How often was your husband married before he married you? A One time.
- Q Is that wife still living? A Yes sir.
- Q What is her name? A Minta Morrow.
- Q Is she a white woman? A Yes sir.
- Q When did he marry her? A I couldn't say.
- Q When did they separate? A I couldn't tell you that either.
- Q You say he got a divorce from her? A Yes sir, he got a divorce.
- Q Have you ever seen the decree of divorce? A No, I never but they separated here in this town, and the divorce was issued in Muskogee.
- Q You just heard that? A That's what he told me, yes sir; I never saw it. She has the divorce.
- Q She got the divorce from him? A Yes sir.
- Q When did your husband make his escape from the officers? A 22nd of last October a year ago.
- Q And he has not lived with you at his home since that time? A Yes, we have been living together all the while except since he has been away.
- Q But he has been evading the officers during that time? A Yes sir, slightly.

Com'r Breckinridge: The applicant applies for the enrollment of herself and husband; her husband is identified on the rolls of 1880 and 1896 as native Cherokee; the applicant states that he has lived in the Cherokee Nation all his life, but that for some months past he has been in Texas, and that for something more than one year he has been evading the officials, having escaped from arrest when he was under a charge of cattle stealing.

It has not been the custom of the Commission to receive applications other than in person for those who are evading the law, and this application will not now be considered as received, and only a memorandum will be made of the fact of the wife's application at this time for her husband, and the Commission will further consider whether it will pass judgment upon the merits of the case; the question of jurisdiction is suspended, and it will be carded with doubtful cases for the determination of this question and any others that may be brought, the husband being classed as a Cherokee by blood; The applicant herself claims to have been married to her husband some two years ago; she states that she was never previously married, and that he was divorced from a former wife? As no jurisdiction is actually exercised in regard to the application for the enrollment of the husband at this time, it follows that no jurisdiction could be exercised in regard to the application of the wife, whose claim is through her husband; therefore she will be carded as doubtful, for the further consideration of the law and probability of jurisdiction being exercised in the present application made by her; she will be classed in the premises as a Cherokee by adoption.

Additional testimony:

- Q Did your mother ever apply for citizenship to the Dawes Commission? A Yes sir.
- Q What is her name? A Alcy Jane Smart.

Additional judgment: It should also be noted that the applicant's mother is said to have applied in 1896 for citizenship before the Dawes Commission, and the record of the Commission, docket "A" page 320 case 1996 shows that the application was denied by the Commission, and no appeal was ever taken therefrom.

M. D. Green, being first duly sworn, states that as stenographer

Georgia Ann Waybourn et al 3

to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) M. D. Green.

Subscribed and sworn to before me this 14th day of Nov. 1900.

(SIGNED) T. B. Needles.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 25, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 25 day of March, 1903.

Edward M. Munn
Notary Public

To be filed with Cherokee D-786.

C O P Y.

C E R T I F I C A T E O F M A R R I A G E.

this certifies

that

Wilson L. Wayburn
of claremore
State of I. T.

and

Georgia A. Smart
of Talala
State of I. T.

it is not good that the man
Should be alone. I will make him
an helpmeet for him."

Gen. 2-18

were by me united in the Holy Bonds of Matrimony

according to the Ordinance of God and the Laws of the

State of Kansas

on the 16th day of April A. D 1899

in the presence of)
Belle Garlinghouse) WITNESS
at Independence.)

(Signed) J. S. May,

Justice of the peace.

(SEAL)

this is a true copy of marriage certificate of Wilson L. Wayburn and
Georgia A. Smart

(Signed) W. C. Stockton,
Mayor.

Collinsville, I. T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 24, 1902.

I, the undersigned a stenographer to the above named Commission
do hereby certify that the above and foregoing is a true and correct
copy of the original offered in evidence in the matter of the appli-
cation for enrollment of Wilson L. Wayburn as a citizen of the Cher-
okee Nation.

Frances S. Botefuhr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 25, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me 25 day of March, 1903.

Edward Merrick

Notary Public.

R

C. D.-786

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Wilson L. Waybourne for enrollment as a Cherokee citizen.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

(Applicant represented by J. M. Lahay, Claremore, I. T.)

BY COMMISSION: The applicant and his attorney were notified by registered letter February 18, 1902, that his application for the enrollment of himself wife and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter. The applicant was duly notified that he could on said date appear before the Commission either in person or by attorney and introduce any further testimony affecting his application.

BY MR. HASTINGS: The representative of the Cherokee Nation desires to call attention to the fact that the wife of this applicant applies as a Cherokee citizen by intermarriage, and that she married her husband after December 16, 1895, to-wit: in April, 1898, too late to be enrolled as a citizen of the Cherokee Nation by intermarriage.

BY COMMISSION: The applicant and his attorney, J. M. Lahay, having this day to-wit: the 10th day of March, 1902, been called and failing to respond, it is considered that the case is completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(SIGNED) M. D. Green.

.....
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 25, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Subscribed and sworn to before me this 25 day of March, 1903.

Florine B. Hatch
Edward Merrick
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Eliza Fields for the enrollment of herself and children as Cherokee
citizens.

Appearances:

G.W.Benge, attorney for the applicant;(Tahlequah?)
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 18, 1902, that her application for the enrollment of
herself and children as citizens of the Cherokee Nation would
be taken up for final consideration by the Commission at its
offices in Muskogee, Indian Territory on the 10th day of March,
1902. Receipt has been acknowledged of the Commission's letter
and the applicant this day appears by her attorney, G.W.Benge.

BY COMMISSION OF MR. BERGE: Any statement you desire to make
relative to the case? A Well if it would not be out of order
I would like to file a brief in 15 days, and then in the
meantime I might submit something else?

Q No, you can't do that. MR.BERGE: Well, all right.

BY COMMISSION: The attorney for the applicant and the repre-
sentative of the Cherokee Nation submit the case; same is con-
sidered completed and will be reported to the Commission for
final decision based upon the evidence now of record.

The attorney for the applicant requests and will be
granted 15 days in which to file a brief in the case, one copy
with the Commission and one copy with the representative
of the Cherokee Nation.

I, M.D.Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the testi-
mony and proceedings in this case and that the foregoing is a true
and complete transcript of my stenographic notes thereof.

M.D.Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 25, 1902.

In the matter of the application of Eliza Fields for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JEFF FIELDS, being sworn, testified as follows:

By the Commission,

- Q What is your name, please? A Jeff Fields.
- Q What's your age and postoffice address? A My age is forty-nine; postoffice, Collinsville.
- Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
- Q What's your wife's name? A Eliza.
- Q Eliza Fields? A Yes, sir.
- Q What's her age, Mr. Fields? A About - why, I think about - I could not tell for certain, somewhere ----
- Q About thirty-five? A Thirty-seven, somewhere along there, I ain't got no record of it.
- Q Is she a white woman? A Yes.
- Q Is she an applicant for enrollment as a citizen by intermarriage? A Yes.
- Q When were you married to your wife, Eliza Fields? A Why, about '83 or '84.
- Q Where were you married? A Why, I was married on the road to Clerk McGhee's, up between Justice McGhee's and home.
- Q Married in the Cherokee Nation, were you? A Yes, sir.
- Q When? A It has been about '83 or '84, I ain't certain which.
- Q Married by Jeff McGhee, the clerk of the District? A By a full blood preacher, they call him Tauneacie.
- Q Is that preacher living? A No.
- Q Were you ever married before you married your wife, Eliza Fields? A No.
- Q She's your first wife? A I lived with a woman before; we was never married.
- Q What's the name of the woman you lived with before? A Linie Adair.
- Q How long did you live with Linie Adair? A I guess I lived with her something about twenty-two years; I guess.
- Q Twenty-two years? A Yes, sir.
- Q She was a Cherokee too, was she? A Yes.
- Q Was she living when you married Eliza Fields? A Yes.
- Q You never were divorced from her or anything? A No.
- Q You say you were never legally married to Linie Adair? A No.
- Q Just lived with her like the Cherokees used to take up with the women? A Yes.
- Q Well, now, is that the only woman you lived with as your wife before you lived with Eliza Fields? A Yes.
- Q Well, did not you live with her and hold her up as your wife during those twenty years? A No, I took care of her and the kids until she married again.
- Q But before that didn't you call her your wife? A I suppose I called her my wife.
- Q The neighbors all understood her to be your wife? A Yes, sir.

- Q When did you commence living with Linie Adair? A Why, I was going on eighteen years old; I could not tell how far back that would bring it.
- Q Well, now, you were legally married to Eliza Fields by a preacher? A Yes.
- Q And have you and Eliza Fields lived together since your marriage all the time until now? A Yes.
- Q She living now? A Yes.
- Q You were living together on the first day of September, 1902, were you? A Yes, sir.
- Q You and Eliza ever been separated? A No.
- Q Now, these children, Cera, Fannie, May, Mary J., Maudie, Robert R. and Lula, are they all your children by Eliza? A Yes.
- Q Are they all living now? A Yes.
- Q Have they lived in the Cherokee Nation all their lives? A No where else.
- Q Has your wife, Eliza Fields, lived here all the time since you were married up to the present time? A Yes.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 28th day of November, 1902.

R. R. Roster

Notary Public.

CHEROKEES BY BLOOD AND ADOPTION.

NOV 14 1900

1900.

Name

Wilson L. Wayburn

Date

1880

209

3150

District

COOWEESCOOWEE.

Year

Page

No.

Citizen by blood

yes

Mother's citizenship

Intermarried citizen

no

Married under what law

Date of marriage

License

Wife's name

Georgia A. Wayburn

District

Year

Page

No.

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

1898

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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No.

Age

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Dist.

Year

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No.

Age

1 on 1880 roll as W. L. Wayburn

Question of jurisdiction to be determined.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Wilson L. Waybourn and Edna Waybourn as citizens by blood of the
Cherokee Nation.

D E C I S I O N .

The record in this case shows that on November 14, 1900, Georgia A. Waybourn appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of her husband, Wilson L. Waybourn, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 10, 1902. Since the date of the original application a child, Edna by name, has been born to Georgia A. Waybourn and Wilson L. Waybourn, and she is now embraced in this decision.

Georgia A. Waybourn is also an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

The evidence shows that Wilson L. Waybourn is a Cherokee citizen by blood and that Edna Waybourn is his child by his said wife, Georgia A., who is a white woman. The said Wilson L. Waybourn is identified on the Cherokee authenticated roll of 1880; the minor child, Edna Waybourn, is identified by a birth affidavit made a part of the record herein.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), refers to "the roll of Cherokee citizens of 1880 and authorizes this Commission to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon;"

The evidence further shows that the said Wilson L. Waybourn has lived in the Cherokee Nation all his life, and it is considered that his minor child, Edna Waybourn, has lived therein since birth.

It is, therefore, the opinion of this Commission that Wilson L. Waybourn and Edna Waybourn should be enrolled as citizens by blood of the Cherokee Nation, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. F. Stanley.

Commissioner.

Dated at Muskogee, I. T.,

this JUN 1 - 1903

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peck	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wvly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosie B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tynes	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy L. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary E. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1275
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1228	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Disie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Butlington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3080
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldrige	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

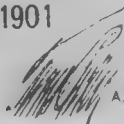
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 30 1901

A handwritten signature in dark ink, appearing to be "J. H. Smith", written over the printed name of the Acting Chairman.

ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, January 18th, 1901.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of W. I.
Waybourn for enrollment as a citizen of the Cherokee Nation.

D. #786.

Joe M. Loney

COMMISSIONERS.
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Georgia A. Waybourn,

Claremore, Indian Territory.

Madam:

You are hereby notified that the application of yourself, husband and minor daughter

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 10, 1902.

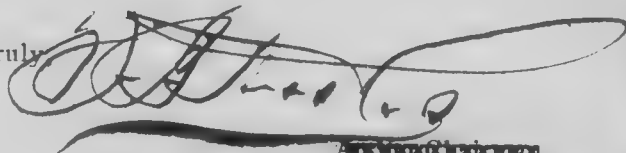
On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certificate of your marriage to Wilson L. Waybourn; also a certified copy of the decree of divorce of W. L. Waybourn from his former wife.

Copy to Joe M. LaHay,
Attorney
Claremore, I. T.

Yours truly



Allison L. Aylesworth.

Cherokee D. 786

Register

Commissioner in Charge.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 6. D. 730

Waskom, I. T., March 5, 1908.

John L. Bell, Esq.,

Claremore, I. T.

Dear Sir: Enclosed herewith find a notice in C. D. 730, Wilson
L. Harbourn, Ohio issued for hearing March 10th, 1908.

I have sent service of the same by filling out and signing
the proper blank on the back of one copy of the notice, and
returning it by first mail, and oblige,

John L. Bell,

Muskogee, Indian Territory, May 27, 1902.

Georgia Ann Waybourn,

Talala, Indian Territory.

Madam:

Upon an examination of the testimony in the matter of your application for the enrollment of yourself and your husband as citizens of the Cherokee Nation it appears that you stated that you were married to your husband, Wilson L. Waybourn in April, 1898. This was, of course, too late for you to acquire any rights of citizenship under that marriage, but it appears that since the date of your application a child, Edna, has been born to yourself and husband. In order to determine the right of this child to be enrolled it will be necessary for you to furnish additional evidence of your marriage to Wilson L. Waybourn. If you can not produce the original or a copy of your marriage certificate, the fact of your marriage must be established by other than your own testimony.

As the matter is very important you are requested to give the same prompt attention, and you will be allowed until June 16, 1902, in which to supply the evidence required.

Yours truly,

Acting Chairman.

Register

Char. B 786.

Muskogee, Indian Territory, June 14, 1908.

Georgia Ann Waybourn,

Salina, Indian Territory.

Dear Madam:

The Commission is in receipt of what purports to be a copy of the marriage certificate of yourself and Wilson L. Waybourn. The same has been filed in your case, but you are requested to furnish the Commission with the original certificate at as early a date as possible.

Yours truly,

Commissioner in Charge.

Chero. D-726.

Muskogee, Indian Territory, June 30, 1908

Wilson L. Waybourn,

Talala, Indian Territory.

Dear Sir:

The marriage certificate of Wilson L. Waybourn and Georgia A. Smart is returned to you herewith, copies of the same having been made for the Commission's files.

Yours truly,

Commissioner in Charge.

Enc. R-138.

Muskogee, Indian Territory, July 25, 1902.

Georgia Ann Waybourn,

Collinsville, Indian Territory,

Dear Madam:

As requested in your letter of July 20, there is returned to you herewith certificate showing your marriage on April 16, 1899, to Wilson L. Waybourn.

Yours truly,

Commissioner in Charge.

Encl. B-58.

Muskegee, Indian Territory, September 8, 1902.

Georgia Waybourn,

Collinsville, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of August 29th, in further reference to the return of your marriage certificate showing your marriage to Wilson L. Waybourn.

In reply, you are advised that this certificate was, on June 30, 1902, mailed to Wilson L. Waybourn, Talala, Indian Territory.

Yours truly,

Acting Chairman.

Vinita, Indian Territory, January 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, forwarded with the Commission's recent letter, the following note appears thereon as to case D 786, Wilson A. Waybourne, et al. "Evidence as to status of No. 2 on September 1, 1902."

The record and decision forwarded by the Commission to this office in this case is returned herewith and attention is called to the fact that while No. 2 claims as an intermarried Cherokee, the evidence and the copy of the marriage certificate filed in this case shows that she was married to Wilson A. Waybourne, through whom she claims her right to enrollment, on April 16, 1899.

Respectfully,

Clerk in Charge.

Encl-S-73

GRS

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-786.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Georgia A. Waybourn for the enrollment of her husband, Wilson L. Waybourn, and her minor child, Edna Waybourn, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-12.

Tahlequah, Indian Territory, September 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original cards and jackets in Cherokee cases:

D- 82
D- 103
D- 169
D- 262
D- 486

D- 648
D- 786
D-1029
D-1049
D-1146.

The Commission has heretofore rendered decisions granting the applications of some of the applicants in each case. The applicants embraced in the Commission's decisions have been transferred as shown by notes on the cards, and the original cards and jackets are returned herewith for the preparation of decisions as to the remaining applicants.

Respectfully,

Clerk in Charge,
Cherokee Land Office.

Encl-S-35
GRS

Cherokee No.
D. 786

Muskegee, Indian Territory, January 10, 1907.

Georgia A. Waybourn,

Claremore, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D786

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

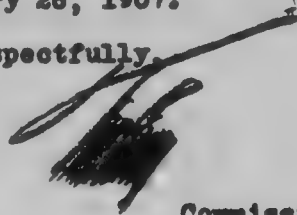
Georgia A. Waybourn,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, rejecting the application for your enrollment as a citizen
by intermarriage of the Cherokee Nation, was affirmed by the
Secretary of the Interior, January 26, 1907.

Respectfully,



Commissioner.

RPI

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907,
to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to
Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907,
to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907,
to Saturday March 30th, 1907, inclusive.

Saturday March 23rd, 1907; inclusive.
Pryor Creek, Ind. Ter., Monday March 25th, 1907,
to Saturday March 30th, 1907, inclusive.
Tahlequah, Ind. Ter., Monday March 18, 1907,
to Saturday March 23rd, 1907, inclusive.
Sallisaw, Ind. Ter., Monday March 25th, 1907,
to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a ~~former intermarried white claimant, or held by him, do not belong to said intermarried~~ white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.

286

Nov 18100 ✓

Georgia Ann Waybourn ✓

Claremont ✓

self & mar, husband, Wilson L - B -

Mar 10/02 Muskogee

May 26/02
Wife for evidence of
marriage -

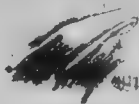
Wife say married April 98.

Husband m. 80 Nov - 96

all his life.

John, Bell, Dec 7/00

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 12 1902



RECEIVED

g

2815

Mushrope LJ 5/12/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the

matter of the application of

Eliza Field

for enrollment as a

citizen

of the Cherokee Nation.

Cherokee

20

No.

187.

G. W. Dwyer

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



Georgia A. Waybourn,

~~Cherokee, Indian Territory.~~

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



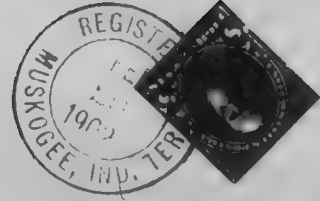
112

George A. Wayburn,

Cherokee, Indian Territory.

Returned

101
101



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Georgia A. Waybourn,

Claremore,

Indian Territory.



11206



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

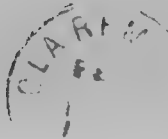
Georgia A. Waybourn,

Claremore, Indian Territory.

29

Department of the Interior





4/10/07





IN THE MATTER OF THE APPLICATION OF

Wilson L. Waybourn

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

194

Wilson L. Waybourn
was born at ...
as ...
in ... 1990 -

He is now a ...
He should be ...
Married to ...

Cher D 787

See Cher 4463 and 5345

Cher D 787

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 16th, 1900.

In the matter of the application of Lena Stalsworth for the enrollment of herself and children as citizens of the Cherokee Nation; said Stalsworth being sworn and examined by Commissioner T.B. Needles, testified as follows:

- Q What is your name? A Lena Stalsworth.
Q How old are you? A 44.
Q What is your post office? A Ealala.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Cherokee? A Yes, sir.
Q Who do you want to enroll besides yourself, anybody? A Four children.
Q What is the name of your children? A Louis Fields.
Q How old is Louis? A 15.
Q What is the name of the next one? A Joel Fields.
Q How old is Joel? A 13.
Q Next one? A Lula Pearl Fields.
Q How old is Pearl? A 11
Q Next one? A Mamie C.
Q How old is Mamie? A Eight.
Q Who is the father of these children? A Jeff. Fields.
Q Is he living? A Yes, sir.
Q Are you married to him now? A No, sir
Q Are you married now? A Yes, sir.
Q What is your present husband's name? A John E. Stalsworth.
Q Is he a white man? A Yes, sir.
Q When did you marry him. A A year ago last March .
Q You don't apply for him? A No, sir.
Q What was your name in 1880, 20 years ago? A Fields.
Q What was your first name then? A I went by the name of Lena ever since I was a little child.
1880 enrollment; page 256, #1016, Linia Fields, Delaware.
Q Your name was Fields four years ago? A Yes, sir.
Q Your first husband's name Jeff. J.? A Yes, sir.
Q Did you ever get a divorce from him? A No, sir.
Q He has went and married again has he? A Yes, sir.
Q Married a white woman did he? A Yes, sir.
1896 enrollment; page 304, #355, Liza Fields, Cooweescoowee.
1896 enrollment; page 156, #1684, Lewis Fields, "
1896 enrollment; page 156, #1685, Joe Fields, "
1896 enrollment; page 156, #1686, Pearl Fields, "
1896 enrollment; page 156, #1687, Surintha Fields, "
Q Are these children all alive and living with you? A Yes, sir.
Q You lived here continuously since 1880? A Yes, sir.
Q What degree of blood have you got? A My father was a full blood Cherokee, and father a half breed.

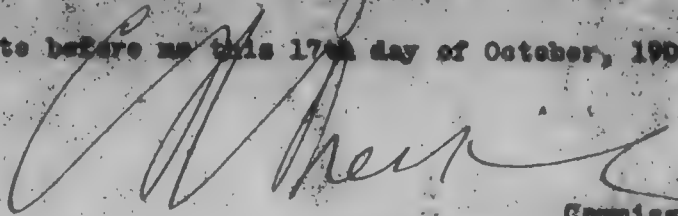
Com'r Needles:--The name of Lena Stalsworth appears upon the authenticated roll of 1880 as Linia Fields, that being the name of her first husband. She was since married to one Stalsworth, a white man, and who is a non-citizen. Her name is also found upon the census roll of 1896. The names of her four children, Louis, Joel, Lula P. and Mamie C., are found upon the census roll of 1896. They all being duly identified according to the page and number of the roll as described in the testimony, and having made satisfactory proof as to their residence, said Lena Stalsworth and her children as named herein, will be duly listed for enrollment as Cherokee citizens by blood.

John H. Stalworth

J. D. Reeson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Reeson

Subscribed and sworn to before me this 17th day of October, 1900.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 18, 1900.

In the matter of the application of Jefferson J. Fields for the enrollment of himself and children as Cherokees by blood and his wife as a Cherokee by intermarriage: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Jefferson J. Fields.
Q How old are you? A I am 48 years I guess.
Q What is your post office address? A Bellinsville.
Q What district do you live in? A Cooweescoowee I reckon.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes.
Q Who do you want to enroll, yourself? A Yes.
Q Who else? A My kids, and old woman.
Q You mean your wife and children, don't you? A Yes.
Q What is the name of your wife? A Eliza.
Q She a citizen by blood? A No, sir.
Q How old is she? A About 27 or 28 I guess.
Q When did you marry her? A About 15 years ago.
Q Got any certificate of marriage? A No, I haven't.
Q What was her name before you married her? A Burge.
Q A non citizen? A Yes, sir.
Q What are the names of your children? A The oldest one is Cora.
Q How old is she? A She is going on 14 I think.
Q The next child? A Fannie, she is two years younger than Cora.
Q The next one? A May, she is going on 9 I reckon, 9 or 10.
Q The name of the next child? A Mary Jane.
Q How old is Mary Jane? A She is going on 7, I think, or eight.
Q Well? A Maudie, 4 years old; the youngest one is Robert R., 19 months old.
Q That all, six children? A Yes.
Q Is Eliza Burge the mother of all these children? A Yes.
Q You have no certificate of marriage? A No, sir.
Q No proof of marriage? A Yes, we were married according to the old Cherokee laws.
Q Well, you have got to prove this to us in some way.
(Jefferson J. Fields on 1880 roll, page 256, No. 1015, Jefferson Fields, Delaware district, native Cherokee; on 1896 roll, page 156, No. 1679, Jeff J. Fields, Cooweescoowee district.)
Q Has your wife been enrolled; did she come in and enroll herself? A Not that I know of.
(Eliza Fields on 1896 roll, page 304, No. 555, Lisa Fields, Cooweescoowee district. Cora Fields on 1896 roll, page 156, No. 1688, Cooweescoowee district. Fannie Fields on 1896 roll, page 156, No. 1689, Cooweescoowee district. May Fields on 1896 roll, page 156, No. 1690, Cooweescoowee district. Mary J. Fields on 1896 roll, page 156, No. 1691, Cooweescoowee district.)
Q These children all alive and living with you? A Yes, sir, six.
Q You have been living with Eliza Fields continuously since you married her? A Yes.
Q Is she your first wife? A No.
Q Is your first wife living? A Yes, she married a man named Stallworth.
Q Were you divorced from her? A No, I don't guess I was; I thought her marrying divorced me from her.
Q She married another man after she lived with you? A Yes, sir.
Q When? A It has been about three or four years ago.
Q Were you ever married to her? A No, sir.
Mr. W.W. Hastings, representative of Cherokee Nation: When did you

Jefferson J. Fields - 2.

and Eliza Stallworth, nee Adair, begin living together as husband and wife? A I guess it has been about 25 or 27 years ago.

Q You were living with her in 1880? A I think so, I am not certain.

Q You had her enrolled in 1880 as your wife? A Yes, sir.

Q You held her out to the community as your wife? A I think I enrolled them.

Q You had how many children by her? A I will have to count up.

Q You have had eight or ten? A Yes, I guess so.

Q When did you quit living with her? A I can't tell positive.

Q About when? A It has been - after we parted she lived with the kids, I kept them up all right.

Q When were you married to this woman, your present wife? A It has been about 14 or 15 years ago.

Q Who married you? A I can't tell you his name.

Q Were you lawfully married to her, or did you just take up with her? A We just lived together, I lived with her some as the other, according to the old Cherokee law.

Q Then you never were married by a minister? A No.

Q Nor you were not married by any officer? A No, sir.

Q No ceremony was performed? A No, sir.

Q She was a white woman? A Yes, sir.

Commissioner Needles: The name of Jefferson J. Fields appears upon the authenticated roll of 1880 as Jefferson Fields, and upon the census roll of 1886 as Jeff Fields. He is duly identified and makes satisfactory proof as to his residence, and said Jefferson J. Fields will be duly listed for enrollment as a Cherokee citizen by blood.

He avers that he is living with a woman named Eliza Burge, a white woman. No marriage ceremony was ever performed. By said woman he has six children, Oera, Fannie, May, and Mary J., whose names appear upon the census roll of 1886. He makes satisfactory proof of birth of two children, Maudie and Robert R., born since the census roll of 1886 was compiled, and whose names consequently do not appear thereon. Satisfactory proof of residence has been made as to said children, and the said Eliza, whom he claims to be his wife. The proof shows that he resided with a former wife a number of years, by whom he had eight or ten children, and secured no divorce from her. Consequently, because of the testimony in this case, and in case No. 4463, the application of his former wife, Lena Stallworth, final judgment as to the enrollment of the said Eliza Burge as a Cherokee citizen by intermarriage, and the said children, will be suspended, and their names will be placed upon a doubtful card.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 18th of November, 1900.

Bruce G. Jones
Commissioner.

R

C. D-787

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Eliza Fields for the enrollment of herself and children as Cherokee
citizens.

Appearances:

G.W.Benge, attorney for the applicant; (Tahlequah?)
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 18, 1902, that her application for the enrollment of
herself and children as citizens of the Cherokee Nation would
be taken up for final consideration by the Commission at its
offices in Muskogee, Indian Territory on the 10th day of March,
1902. Receipt has been acknowledged of the Commission's letter
and the applicant this day appears by her attorney, G.W.Benge.

BY COMMISSION OF MR. BERGE: Any statement you desire to make
relative to the case? A Well if it would not be out of order
I would like to file a brief in 15 days, and then in the
meantime I might submit something else?

Q No, you can't do that. MR. BERGE: Well, all right.

BY COMMISSION: The attorney for the applicant and the repre-
sentative of the Cherokee Nation submit the case; same is con-
sidered completed and will be reported to the Commission for
final decision based upon the evidence now of record.

The attorney for the applicant requests and will be
granted 15 days in which to file a brief in the case, one copy
with the Commission and one copy with the representative
of the Cherokee Nation.

I, M.D.Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the testi-
mony and proceedings in this case and that the foregoing is a true
and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 25, 1902.

In the matter of the application of Eliza Fields for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JEFF FIELDS, being sworn, testified as follows:

By the Commission,

- Q What is your name, please? A Jeff Fields.
- Q What's your age and postoffice address? A My age is forty-nine; postoffice, Collinsville.
- Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
- Q What's your wife's name? A Eliza.
- Q Eliza Fields? A Yes, sir.
- Q What's her age, Mr. Fields? A About - why, I think about - I could not tell for certain, somewhere ----
- Q About thirty-five? A Thirty-seven, somewhere along there, I ain't got no record of it.
- Q Is she a white woman? A Yes.
- Q Is she an applicant for enrollment as a citizen by intermarriage? A Yes.
- Q When were you married to your wife, Eliza Fields? A Why, about '83 or '4.
- Q Where were you married? A Why, I was married on the road to Clerk McGhee's, up between Justice McGhee's and home.
- Q Married in the Cherokee Nation, were you? A Yes, sir.
- Q When? A It has been about '83 or '4, I ain't certain which.
- Q Married by Jeff McGhee, the clerk of the District? A By a full blood preacher, they call him Tauneeahie.
- Q Is that preacher living? A No.
- Q Were you ever married before you married your wife, Eliza Fields? A No.
- Q She's your first wife? A I lived with a woman before; we was never married.
- Q What's the name of the woman you lived with before? A Linie Adair.
- Q How long did you live with Linie Adair? A I guess I lived with her something about twenty-two years, I guess.
- Q Twenty-two years? A Yes, sir.
- Q She was a Cherokee too, was she? A Yes.
- Q Was she living when you married Eliza Fields? A Yes.
- Q You never were divorced from her or anything? A No.
- Q You say you were never legally married to Linie Adair? A No.
- Q Just lived with her like the Cherokees used to take up with the women? A Yes.
- Q Well, now, is that the only woman you lived with as your wife before you lived with Eliza Fields? A Yes.
- Q Well, did not you live with her and hold her up as your wife during those twenty years? A No, I took care of her and the kids until she married again.
- Q But before that didn't you call her your wife? A I suppose I called her my wife.
- Q The neighbors all understood her to be your wife? A Yes, sir.

Q When did you commence living with Linnie Adair? A Why,--I was going on eighteen years old; I could not tell how far back that would bring it.

Q Well, now, you were legally married to Eliza Fields by a preacher? A Yes.

Q And have you and Eliza Fields lived together since your marriage all the time until now? A Yes.

Q She living now? A Yes.

Q You were living together on the first day of September, 1902, were you? A Yes, sir.

Q You and Eliza ever been separated? A No.


Q Now, these children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula, are they all your children by Eliza? A Yes.

Q Are they all living now? A Yes.

Q Have they lived in the Cherokee Nation all their lives? A No where else.

Q Has your wife, Eliza Fields, lived here all the time since you were married up to the present time? A Yes.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.



Subscribed and sworn to before me this 28th day of November, 1902.



Notary Public.

AAD.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, Indian Territory, January 9th, 1903.

In the matter of the application of Jefferson J. Fields for the enrollment of himself as a citizen by blood of the Cherokee Nation.

Supplemental to #5345.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

Jefferson J. Fields, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Jeff Fields.
Q. Jefferson J. Fields? A. They always call me Jeff Fields.
Q. Your full name is Jefferson? A. Yes, sir.
Q. How old are you? A. I guess I am 50 next February.
Q. What is your post office? A. Collinsville.
Q. Are you a Cherokee by blood? A. Yes, sir.
Q. Your name appears upon the roll of 1880? A. Yes, sir.
Q. Have you been living in the Cherokee Nation since 1880?
A. Yes, sir; always; no where else.
Q. You have never made your home outside of the Cherokee Nation at any time? A. I might have been out a little time at the time of the war.
Q. You have never been out since 1880? A. No, sir.
Q. What is your wife's name? A. Eliza.
Q. Is she a white woman? A. Yes, sir.
Q. When were you married to Eliza? A. Well, the best I can recollect it was in '82 or 3. I don't know which.
Q. Is Eliza your first wife? A. No.
Q. You had been married before, had you? A. No, I wasn't married before, I lived with a woman.
Q. What was her name? A. Linia Adair was her name.
Q. You say you were never married to her? A. No.
Q. How long did you live together? A. I couldn't tell for certain. I had 8 or 10 children.
Q. You had 8 or 10 children by Linia Adair? A. Yes, sir.
Q. When did you take up Linia Adair? A. I couldn't tell; it has been so long back.
Q. How old were you, do you remember? A. I was about--growing on 18.
Q. About 18? A. Yes, sir.
Q. When you took up Linia Adair you began to live with her as your wife? A. Yes, sir.
Q. You lived together as husband and wife? A. Yes, sir.
Q. There was no marriage ceremony? A. No, sir.
Q. You were living with her in 1880, weren't you? A. I guess I was.
Q. She is on the roll of 1880 with you under your name?
A. I guess so.
Q. You raised how many children by her? A. 8 or 9, I guess.
Q. And you lived together as husband and wife during all that time? A. Yes, sir.
Q. Those children were born while you were living together?
A. Yes, sir.

Q. Were you ever divorced from your wife Linia? A. No, I didn't think I had to have a divorce, we weren't married.

Q. When did you and Linia Separate? A. Oh, it has been a good while back. I couldn't tell you for certain.

Q. About how long was it before you married your wife Eliza? A. Oh, it wasn't but a short time. She was living on the place. I kept them up all the time. I kept them up I guess until about 8 years back. I guess it was about 8 years.

Q. You supported your first wife and her children up to 8 years ago, did you? A. Yes, sir.

Q. You say you married your wife Eliza about 1882? A. Yes, sir.

Q. Had she ever been married before she married you? A. No.

Q. Had you ever been married to any other woman besides Linia? A. No, sir.

Q. Never lived with any one else besides Linia? A. No, sir.

Q. Were you and Eliza married by a preacher? A. Yes, sir; married by a Cherokee preacher by the name of Tawneesee.

Q. Where was that? A. Between my place and McGee's.

Q. Did he give you a marriage certificate? A. No.

Q. Is that preacher living now? A. No, he is dead.

Q. Is there anybody living who saw you married? A. No, sir; there was nobody there.

Q. Did you have any witnesses? A. No.

Q. Just you and your wife and the preacher? A. Yes, sir.

Q. That is all that was there? A. Yes.

Q. Have you been living with Eliza ever since that time? A. Yes.

Q. Have you any children by her? A. Yes.

Q. Is Cora Fields your daughter? A. Yes, sir.

Q. Eliza is her mother? A. Yes.

Q. Eliza is also the mother of Fannie? A. Yes.

Q. And May? A. Yes.

Q. Mary J.? A. Yes.

Q. Maudie? A. Yes.

Q. Robert R.? A. Yes.

Q. And Lula? A. Yes.

Q. You have no other children by Eliza? A. No, sir.

Q. These children have lived with you and your wife Eliza ever since they were born? A. Yes.

Q. Eliza has been living with you in the Cherokee Nation ever since you were married? A. Yes.

Q. Now, you are sure about that marriage ceremony, are you, Mr. Fields? A. I guess there was.

Q. You didn't have a marriage license? A. No, I didn't have no license. We didn't have to get it then.

Q. You didn't take up with Eliza like you took up with your first wife? A. No, sir.

Q. You didn't regard Linia as your lawful wife? A. Oh, I did a while.

Q. You held her out as your wife didn't you? A. Yes, at the start.

Q. For a good many years? A. Yes.

Q. Where are your children by your first wife, Linia, now? A. Some of them are with me now; three of them are with her. Joe, he is down here at his sisters, Fred Smith's.

Q. Who is Joe, that is your son by your wife Linia? A. Yes, sir.

Q. Jeff is your son by Linia? A. Yes, sir.

Q. Who is George Fields? A. That is my son so.

Q. You never applied for the enrollment of any of your children by your wife Linia? A. No. Fred Smith put down Joe for me. He is going to school here.

Q. Joe is? A. Yes, sir.

Q. How old is Joe? A. I guess he is about 13 or 14.

Q. Fred Smith made application for his enrollment? A. I think

Fred did it, I ain't certain.

Q. You never applied for them, did you? A. No, I told Fred to put it down. I think he put it down. He's going to school here. The others put their name down themselves, George and Jeff.

Q. Your wife Eliza was a single woman when you married her?

A. Yes, sir; she had been married before.

Q. What was her first husband's name? A. Well, her first man's name was Schrimpsheer.

Q. Was he dead when you married her? A. Yes, sir; he is dead.

Q. Was he dead when you were married? A. Yes, I think so.

Q. Did you know him? A. Yes, I saw him a time or two. He got killed up near Cary's ferry.

Q. Was that before you married Eliza? A. Yes, sir.

Q. Is that the only husband she ever had except you? A. Well, I don't know. That is all I know.

Examination by Mr. Starr

Q. Where did this man Schrimpsheer live when he lived with your wife Eliza? A. Why, above Cary's ferry, over there.

Q. Which side of the Grand river? A. North side.

Q. Where was he killed? A. Why, he was killed at Jim Duncan's. Jim Duncan killed him. White Duncan, they called him.

Q. Near Cary's ferry? A. Yes, sir.

Q. Do you know what year he was killed? A. No, I don't.

Q. In what year were you married to Eliza? A. I can't tell you to save my life.

Q. What is the name of your oldest child by Eliza? A. By Eliza?

Q. Yes, sir. A. Cora.

Q. How long had you been married to Eliza before Cora was born?

A. Oh, I guess about a little over 12 months, I guess.

Q. Are you sure of that? A. Somewhere along there. I couldn't say for certain.

Q. You had been married to Eliza about a year, then, before Cora was born? A. I ain't certain. It may not have been so long.

Q. How long had Schrimpsheer been killed before you married Eliza?

Q. Eliza wasn't the one. That was Linia.

BY THE COMMISSION:

Q. It was your wife Linia that had been married to Schrimpsheer?

A. Yes, sir.

Q. Your wife Eliza had never been married to any one else?

A. No.

It is ordered that a copy of this testimony be filed with and made a part of the record in Cherokee Doubtful case number D-787.

+++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of January, 1903.

John D. Rosson
Notary Public.

CHEROKEES BY BLOOD AND ADOPTION.

Name Jefferson J. Fields Date Nov 13 1900 Commercial 1900
 District DELAWARE Year 1886 Page 256 No. 1015
 Citizen by blood no Mother's citizenship
 Intermarried citizen no
 Married under what law Doubtful
 Date of marriage
 Certificate
 Wife's name Eliza Fields
 District COOWEESCOOWEE Year 1896 Page 304 No. 355
 Citizen by blood no Mother's citizenship
 Intermarried citizen no
 Married under what law
 Date of marriage
 License
 Certificate

Names of Children:

Name	Dist.	Year	Page	No.	Age
3 Cora Fields	COOWEESCOOWEE	1891	156	1188	4
4 Sammie "	COOWEESCOOWEE	"	156	1684	12
5 May "	COOWEESCOOWEE	"	156	1690	9
6 Mary "	COOWEESCOOWEE	"	156	1691	7
7 Mandie "	"	"	"	"	"
8 Robert R. "	"	"	"	"	"

1 on 1880 roll as

2 on 1886

and Birth affidavits supplied

Jefferson Fields
 Eliza
 "

IN RE

Application for Enrollment of

INFANT CHILD

Maudie Childs
as a citizen of the

Cherokee Nation.

Approved,

[Signature] 1900
Commissioner.

NOV 13 1900
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

MAN.

Card 11787

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Mandie Fields, born on the 2nd day of February, 1896
(Here insert name of child.)
Name of Father: J. J. Fields, a citizen of the Cherokee Nation,
Name of Mother: Eliza Fields, a citizen of the Cherokee Nation.
Post-office, Collinsville Ind. Terry.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Eliza Fields, on oath state that I am 30
years of age and a citizen, by Marriage, of the Cherokee Nation;
that I am the lawful wife of J. J. Fields, who is a citizen, by
Birth, of the Cherokee Nation; that a Female child was
(~~male~~ or female)
born to me on the 2nd day of February, 1896; that said child has been
named Mandie Fields, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Oliver L. Fittell
E. C. Fields

Eliza Fields
mark.

Subscribed and sworn to before me this 10th day of November, 1900.

John H. French
NOTARY PUBLIC.
My Commission expires May 22nd, 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Fannie Broomback, a Midwife, on oath state that I
attended on Mrs. J. J. Fields, wife of J. J. Fields,
on the 2nd day of February, 1896; that there was born to her on
said date a Female child; that said child is now living and is said to have been
named Mandie Fields.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

A. L. Terry
A. H. Wood

Fannie Broomback
mark.

Subscribed and sworn to before me this 12th day of November, 1900.

John H. French
NOTARY PUBLIC.
My Commission expires May 22nd, 1904.

IN RE

Application for Enrollment of

INFANT CHILD

Robert V. White

as a citizen of the

Cherokee

Nation.

Approved,

[Signature]
[Signature]
 Commissioner.

COMM.

NO. 1835.

1900



MAN.

Card. D. 787.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Robert R. Fields, born on the 12th day of May, 1899.
(Here insert name of child)
Name of Father: J. J. Fields, a citizen of the Cherokee Nation.
Name of Mother: Eliza Fields, a citizen of the Cherokee Nation.
Post-office, Collinsville.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Eliza Fields, on oath state that I am 30 years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of J. J. Fields, who is a citizen, by Birth, of the Cherokee Nation; that a male child was born to me on the 12th day of May, 1899; that said child has been named Robert R. Fields, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Amos Spear,
C. H. Caldwell

Eliza Fields
mark

Subscribed and sworn to before me this 2nd day of November, 1900.

John H. French
NOTARY PUBLIC.
My Commission expires May 22nd, 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Elizabeth Newman, a Midwife, on oath state that I attended on Mrs. Eliza Fields, wife of J. J. Fields, on the 12th day of May, 1899; that there was born to her on said date a male child; that said child is now living and is said to have been named Robert R. Fields.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Amos Spear,
C. H. Caldwell

Elizabeth Newman

Subscribed and sworn to before me this 2nd day of November, 1900.

John H. French
NOTARY PUBLIC.
My Commission expires May 22nd, 1904.

POOR ORIGINAL -
BEST AVAILABLE COPY

IN RE

Application for Enrollment of
INFANT CHILD

Sula Fields
as a citizen of

Cherokee

Nation.

Approved,

January 6

1902

[Signature]
Commissioner.

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
FILED
JAN 6 1902

[Signature]
Assistant Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Lula Fields, born on the 15th day of December, 1901
(Here insert name of child)
Name of Father: J. J. Fields, a citizen of the Cherokee Nation.
Name of Mother: Eliza Fields, a citizen of the Cherokee Nation.
Post-office, Cullinsville, Ind. Army.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northwestern District.

I, Eliza Fields, on oath state that I am 32 years of age and a citizen, by Marriage, of the Cherokee Nation; that I am the lawful wife of J. J. Fields, who is a citizen, by Birth, of the Cherokee Nation, that a female child was born to me on the 15th day of December, 1901; that said child has been named Lula Fields, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Eliza Fields mark.
{ Cora E. Fields
Austin Cook

Subscribed and sworn to before me this 21st day of Dec., 1901.

John H. French
my. Com. Ex. May 22nd 1904 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northwestern District.

I, Mrs. Mary Ayers, a Midwife, on oath state that I attended on Mrs. Eliza Fields, wife of J. J. Fields, on the 15th day of Dec., 1901; that there was born to her on said date a Female child; that said child is now living and is said to have been named Lula Fields.

WITNESSES TO MARK:

(Must be Two Witnesses)

Mrs. Mary Ayers
{ Mrs. Bertha Wheeler
S. M. Graham

Subscribed and sworn to before me this 21st day of Dec., 1901.

John H. French
my. Com. Ex. May 22nd 1904 NOTARY PUBLIC.

1979-

COMMISSION

JAN 12 1903

Duplicate
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Winifred, I. T.

JAN 9- 1903 A. D. 190

To the Clerk in charge of the Cherokee Land Office:


This is to certify that the names of the following persons:

Card Number.	NAME	Relationship to Person First Named.	Age.
D. 787 ✓	Eliza Fields		32
D. 787 ✓	Bora Fields	Dan	16
D. 787 ✓	Fannie Fields	Dan	14
D. 787 ✓	May Fields	Dan	11
D. 787 ✓	May J. Fields	Dan	9
D. 787 ✓	Maudie Fields	Dan	6
D. 787 ✓	Robert R. Fields	Son	4
D. 787 ✓	Sula Fields	Dan	1
Represented by Jefferson J. Fields, husband of Eliza Fields, and Father of her children above named.			

All appear upon the records of the Commission to the Five Civilized Tribes as applicants for enrollment as citizens of the Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship in the usual form will be issued.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Enrollment Clerk.


ACTING CHAIRMAN.
Chairman.

Jan 9

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Muskogee, I. T., May 18, 1902.

In the matter of the application of
Elisa Fields for the enrollment of
herself and children as citizens of
the Cherokee Nation.

Cherokee B. 787.

BRIEF ON BEHALF OF THE CHEROKEE NATION.

The applicant, Elisa Fields, is a white woman; she seems to have lived with Jefferson J. Fields, a Cherokee by blood, some 14 or 15 years, by whom she has had some six children for whom application is made.

There are two questions involved in this case. First: Her husband, and the father of her children, was previously married to a Cherokee woman by whom he had a number of children, and when he held out to the community as his wife, treated her as such, gave her name to the census takers in 1880, and had her enrolled as his wife and the mother of his children. He was never divorced from this woman.

Second: Elisa Fields is a white woman, and she was never married to Jefferson J. Fields, and as above observed Jefferson J. Fields was never divorced from his former wife, hence was not free to contract any union, either by civil or common law, with Elisa Fields; and if this union was illegal the children would be illegitimate and would necessarily follow the status of their mother.

Section 687 of the Cherokee law provides: "No marriage shall be contracted while either of the parties has a husband or wife living". And Sections 688 and 689 provide how marriages shall be solemnized in the Cherokee Nation, which law has been in effect long prior to 1880 and prior to the alleged common law union of Elisa Fields and Jefferson J. Fields.

Respectfully submitted,

W. W. Hookey
Attorney for the Cherokee Nation.

DEPT. OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE CIVILIZED
TRIBES, AT WASHINGTON, D. C., MARCH 20th 1902.

-----oOo-----

In the matter of the application of Jefferson J. Fields, for the enrollment of his wife, Eliza, a white woman and their children, Cora, Fannie, Mary, and Robert H. Fields, and Eliza Fields, "the wife", (Eliza was an adopted white citizen of the Cherokee Nation and his children are citizens by blood.

"D 787".

In obedience to a notification to said Jefferson J. Fields, of the time for final hearing and closing of said case, by the commission, appeared by his attorney G. W. Benge, who in behalf of said applicants, agreed that the case be submitted to the Commission for final decision with leave of filing brief in behalf of said applicants.

"B R I E F".

The contention of said Jefferson Fields in behalf of his wife and minor children is, that his wife, Eliza, is an adopted white citizen of the Cherokee Nation, by reason of a common law, marriage, contracted between himself and Eliza, he being a recognized Cherokee citizen by blood, and that the said marriage thus contracted having existed for more than fifteen years, and are now living together as such husband and wife, and by reason of said marriage, six children have been born to them, as above named, who have all been recognized and treated as Cherokee Citizens by blood in the distributions of money, and in the enrollment of such citizens, by the constituted authorities of the Cherokee Nation, as will be found on the roll of 1880, page 258 No. 1015, Jefferson Fields, Delaware District Native Cherokee", On the roll of 1896, page 156, No. 1279, Jefferson J. Fields, Cooweescoowee District", and on page 304, No. 355, Liza Fields, No. 1688, Cora Fields, No. 1689, Fannie Fields, No. 1690, Mary Fields, No. 1691, Mary

J. Smith, all of the above named children whose names will correspond in the rolls found on the pay rolls as having received money as Cherokees by blood as authorized by the laws of the Cherokee Nation and for the purpose of having thus been recognized and treated as Cherokee citizens by the authorities of the Cherokee Nation, should now be listed on the rolls as such, by the Honorable Commission.

SECOND- The applicant should be enrolled as contended, because the common law marriage has always been recognized in the Cherokee Nation, until a very recent date, laws governing marriages have been enacted, and such enactments have always recognized such marriages.

THIRD- That in no instance where a white woman married a Cherokee man was there ever a petition and license required as is contemplated in Article, 61, of the Compiled Laws of the Cherokee Nation of 1899 but that such white women have and are recognized as Citizens of the Cherokee Nation by law, and treated as such by the authorities thereof.

FOURTH- Having been recognized as citizens of the Cherokee Nation, and received as participants upon all of the rolls containing only Citizens of the Nation, as well as having ^{been} participants in the distribution of the Common Funds paid out per capita to the Citizens thereof, there can be no good reason why the applicants should not now be classed as citizens of the Nation, in view of the lapse of more than fifteen years of such recognition with knowledge of the proceedings aforesaid.

FIFTH- That a license should be issued to marry a white woman, was never contemplated; section 659 of the above article, page 329 provides that "every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, " Delaware, or Shawnee", woman, citizen of the Nation", and x x x It will thus be seen that the only parties thus enabled to contract

by the terms of this section is "every white man or citizen of the United States, or of any foreign state or government", of the first part, and "Cherokee, Delaware or Shawnee, woman, citizen of the Cherokee Nation", on the other hand, are contemplated to be the contracting parties as provided for, the white man, or person referred to in the common law, is in the masculine gender, and the other contracting party is "Cherokee, Delaware, or Shawnee Woman", hence the female sex only is provided for under the provision of the act, then it is plain that in the common law, marriage, is recognized, there was no necessity for a license, authorizing the marriage between Jefferson Fields and his present wife, Eliza, and from the law, custom and evidence in the case, we ask that the name of Eliza Fields be listed and enrolled as an adopted white citizen, and that of the children of herself and Jefferson Fields, as Cherokees by blood.

See section 663, page 332, of said marriage law, in the event of said death of such Cherokee man, or Cherokee woman, by such marriage, "the surviving widow, or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman," x x x from this provision of law should Jefferson Fields die his wife is protected in her citizenship as well as all other rights under the act. In the first three lines of said section it was contemplated that a white woman might become a citizen of the Cherokee Nation by her marriage, and the protection of the rights of such anticipated white adopted citizens is provided for, and our conclusion is that it was never contemplated that a license should be obtained in order that a Cherokee man might marry a white woman, but that it was contemplated that a white woman might become a citizen with rights and privileges as other adopted white citizens of the Nation. Then if the contracting parties Jefferson Fields and Eliza Fields, Nee Benge, were capable of contracting a common law marriage, and there is noth-

ing to the contrary shown but on the other hand, it is conclusive, as

is shown by the fact of fifteen long years of such married life, and in consequence of said marriage, they have six children dependent on them as father and mother, " See an act providing for the census of the Cherokee Nation, x x x x approved April 15th 1893", (payment roll) also the Act providing for the taking of census (1896 roll) approved August 21st, 1896 and see Act approved Nov. 9th, 1896, providing for the revision of the Census authorized by the act of August 21, 1896, by all of the acts above cited the applicants have been recognized as citizens of the Cherokee Nation, and beneficiaries thereof, and in view of all of these facts, we again ask that the request of the applicants be granted.

Respectfully submitted,

G. W. Brunge

Attorney for Applicant.

9-20-1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Kliza Fields as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record herein shows that on November 13, 1900, Jefferson J. Fields appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and his minor children, Cora, Fannie, May, Mary J., Maudie and Robert R. Fields, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Kliza Fields, as a citizen by intermarriage of the Cherokee Nation. Jefferson J. Fields is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 25, 1902, and at Vinita, Indian Territory, on January 9, 1903. A copy of the testimony taken at Nowata, Indian Territory, on October 16, 1900, in the matter of the application of Lena Stalsworth, has been filed herein and made a part of this record. On January 6, 1902, a birth affidavit was filed for Lula Fields, born since the date of the original application.

The evidence shows that Kliza Fields, nee Burge, is a white woman, and it is alleged that she was married in 1883 or 1884 to Jefferson J. Fields, a citizen by blood of the Cherokee Nation. There is no proof of a formal marriage, and it appears that sometime about 1871 the said Jefferson J. Fields took up and lived, for at least nine years, with one Lena Adair, now Lena Stalsworth; that he held her out as his wife, and she appears on the roll of 1880 with the said Jefferson J. Fields as his wife, under the name of Linia Fields. It is considered that, under Cherokee laws and customs prior to 1875, the said Jefferson J. Fields and Lena Fields were legally husband and wife, and it appears that the said Lena Fields had never been divorced from her said husband and was still living at the time of the alleged marriage of Jefferson J. Fields and Kliza Burge.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate."

The minor applicants herein are the children of said Kliza Fields by Jefferson J. Fields, born to them during their co-habitation as husband and wife. Kliza Fields and the four older children are identified on the Cherokee census roll of 1896. The three younger children are identified by birth affidavits made a part of this record.

The evidence further shows that all the minor applicants herein have resided in said Nation with their parents since their birth.

It is, therefore, the opinion of this Commission that John Fields, Fannie Fields, May Fields, Mary F. Fields, Maudie Fields, Robert R. Fields and Lula Fields should be enrolled as citizens by blood of the Cherokee Nation, and that the application for the enrollment of Eliza Fields, as a citizen by intermarriage of the Cherokee Nation, should be denied in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1900 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamie Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

this MAR - 2 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields as citizens by blood of the Cherokee Nation:

DECISION

The record herein shows that on November 13, 1900, Jefferson J. Fields appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and minor children, Cora, Fannie, May, Mary J., Maudie and Robert R. Fields, as citizens by blood of the Cherokee Nation; on January 6, 1902, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Lula Fields subsequent to the date of the original application. Said application also included Eliza Fields, wife of said Jefferson J. Fields, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation but, the status of such persons not being fixed at this time, the said Eliza Fields is not embraced in this decision. The said Jefferson J. Fields is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 22, 1902, and at Vinita, Indian Territory, on January 9, 1903. A copy of the testimony taken at Nowata, Indian Territory, on October 16, 1900, in the matter of the application of Lena Stalsworth, has been filed with and made a part of the record herein.

The evidence shows that the applicants, Cora, Fannie, May and Mary J. Fields, are identified on the 1896 census roll of the Cherokee Nation as native Cherokees, and that the applicants, Maudie, Robert R. and Lula Fields, are identified by birth affidavits made a part of the record herein, and that all of said minor applicants are the children of the said Jefferson J. Fields, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that all of the minor applicants herein have resided in the Cherokee Nation with their parents since birth.

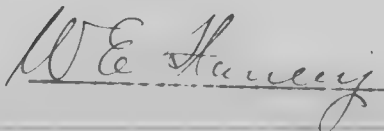
It is, therefore, the opinion of this Commission that Cora Fields, Fannie Fields, May Fields, Mary J. Fields, Maudie Fields, Robert R. Fields and Lula Fields should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this SEP 18 190

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage
of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huit	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney 4225
 Sydney E. Bell 4232
 Isaac H. Jordan 4235
 Charles Parks 4244
 Dora Frenchman 4262
 James R. Fugate 4275
 Maud Adams 4277
 Elizabeth Black 4281
 Anna Thornton 4291
 Robert T. Morrison 4294
 Perley Israel 4295
 William A. Long 4304
 Mollie Swannock 4319
 Frances Guess 4324
 Allen H. Gibson 4327
 John McFall Jr. 4343
 Albert W. Fitzsimmons 4360
 George S. Ford 4386
 Quinn Carr 4387
 William A. Powell 4390
 Austin Hasley 4400
 Anna Bible 4414
 Elizabeth Riley 4428
 John P. Sudderth 4440
 Anderson Keen 4450
 Ida M. Adams 4451
 Martha J. Randall 4457
 Mollie Conner 4477
 Jane McGhee 4491
 Jennie Riley 4525
 Hannah Randall 4528
 Charles W. Childers 4542
 Nannie B. Riley 4543
 John W. McDaniel 4544
 Minnie Armstrong 4548
 Ada Chouteau 4549
 Mary Thompson 4571
 Ota Armstrong 4593
 Mary Spencer 4594
 Clarkson F. Woody 4603
 James M. McConnell 4604
 Annie E. Coker 4605
 Jennie Long 4606
 Julia Gilstrap 4607
 Laura E. Smith 4608
 Annie Nicholas 4609
 Minnie R. Taylor 4611
 Mary E. Rogers 4614
 Emma Downing 4615
 William Steere 4619

Roxie J. Ketchum 4623
 Lizzie Love 4626
 Robert K. Wann 4632
 Frederick Metzner 4633
 John C. Bratcher 4634
 Pigrow L. Jones 4641
 Ada Bertholf 4642
 Alice Robbins 4644
 Jane Dougherty 4649
 Samuel Francis 4650
 Clemon C. Peek 4652
 Mont C. Frazier 4653
 Frank J. Mayberry 4656
 Charles W. Moore 4660
 Jefferson D. Edmondson 4661
 Alonzo H. Boone 4662
 Thomas C. Mock 4668
 Sallie Allison 4669
 Elizabeth E. Burgess 4671
 LaFayette Breeden 4673
 James M. Boling 4676
 Francis A. Neilson 4681
 John F. Smith 4689
 Rufus S. Steward 4691
 John I. Haddock 4694
 Maggie O. Walkley 4695
 George W. Talbert 4698
 Mary Miller 4700
 Henry C. White 4707
 Mattie E. Hill 4760
 Alice A. Bible 4772
 Katie Coker 4785
 John Creek 4801
 Ruby R. Bean 4804
 William J. Dodson 4836
 Blackburn Reed 4882
 Viola Lowther 4891
 William B. Ritchson 4910
 Henry D. McDonald 4950
 Della McDaniel 4956
 Dorothy Rattlinggourd 4991
 Ida McCay 5093
 Henry M. Lyon 5100
 Alice J. Wofford 5101
 Nancy Morris 5137
 Ella Sullivan 5140
 Winfield Williams 5144
 Bessie M. Smith 5145
 May Humphrey 5207
 Donnie Burgess 5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosia B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clora Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Corä Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda E. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Yours F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D 9	William S. Edwards	D	560
Lenora Prather	D 16	Susan L. Reed	D	572
Andrew M. Cooter	D 17	William H. Lyman	D	574
Martin L. Stokes	D 28	Gracia Davis	D	577
Peter Walters	D 44	Edward C. Bolen	D	582
Columbus M. Reeves	D 58	Dora Guthrie	D	585
Sarah Barnes	D 103	Samuel H. Hawkins	D	594
George T. Kiddy	D 108	Lula M. Purcell	D	600
Henry C. Agent	D 139	Ben Estes	D	603
Joseph Phipps	D 147	Thomas M. Reynolds	D	621
Henry Hilton	D 149	Arthur Dodge	D	622
David A. McGlamery	D 161	Carrie L. McNair	D	624
Maggie Doublehead	D 169	Constantine N. Walker	D	641
Annie Lovett	D 180	Joseph Davis	D	648
Nora Hood	D 184	Leander A. Keys	D	650
John A. Johnson	D 232	James J. Barndollar	D	655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D	682
Oncico W. Head	D 244	William S. Miles	D	688
Etta Taylor	D 245	Emma Waybourn	D	698
Susan V. Sullivan	D 262	Dora E. Rogers	D	708
Levi H. Tackett	D 263	James W. Turley	D	709
William H. Connelley	D 264	Lizzie Ward	D	711
Julia A. Sullivan	D 284	Robert J. Holly	D	713
May Fields	D 297	Belle I. Quinton	D	728
Katie Hummingbird	D 308	Francis M. Boothe	D	734
William F. Sager	D 320	Amos W. Lord	D	746
Lovick P. Garrison	D 334	Agnes N. Childers	D	749
Henry Grubb	D 338	John E. Renfrow	D	752
Lucy F. Lacey	D 340	William Coon	D	759
Callie Blevins	D 341	Louis Bruere	D	779
James S. Alfrey	D 355	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D 368	Eliza Fields	D	787
Ada Hall	D 376	William H. Brown	D	788
Jane M. Hicks	D 396	William A. Cox	D	793
Fannie L. Dupree	D 403	Charles A. Robison	D	799
Willis Battles, Jr.	D 404	Artha Williams	D	800
Joshua W. Ellis	D 413	Adam Gearhart	D	806
Nina B. Owen	D 450	Cicero F. Rogers	D	855
John M. Ridenour	D 458	Annie Garrett	D	856
Emery S. Thompson	D 464	George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrant	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakency	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Disie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C. Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F. Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L. Harlin	D	2715	Sallie Tauuneacie	D	2831
William R. Lipsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A. Ward	D	2840
John D. Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
Irene Riley	D	2739	Elmira J. Alberty	D	2905
William H. Rowley	D	2740	Thomas C. Cordray	D	2906
Colombus C. Scroggins	D	2741	Edward Fowler	D	2907
Della Summers	D	2743	Dora Foreman	D	2908
William S. Sage	D	2744	Parker Holt	D	2909
Eliza Thomas	D	2748	John Haston	D	2910
John P. Thurman	D	2749	Georgie Harlin	D	2911
Mary E. Davis	D	2770	Percillia Johnson	D	2913
Jessie Frick	D	2774	Bettie Morton	D	2915
Enna Buffington	D	2788	Samantha Spade	D	2917
Will Black	D	2789	Mariah Ward	D	2918
Maggie E. Davis	D	2792	Ellen Watt	D	2919
Thomas Dotts	D	2793	Nora Morten	D	2920
William Daws	D	2794	Lizzie Anderson	D	2981
Nancy Dawson	D	2796	Francis Duval	D	2984
Lena Fields	D	2797	Wade S. Hayes	D	2987
Effie Grayham	D	2798	James A. Hankins	D	2988
Alice C. Hill	D	2799	Joseph Hardee	D	2991
Bertha H. Harlin	D	2800	Tennie Horn	D	2992
Margrett C. Hudson	D	2801	Eveline Hall	D	2993
Joseph A. Kelley	D	2803	John E. Leftwich	D	2995
Andrew O. Kepler	D	2804	Mattie Henson	D	2994
Josephine King	D	2805	John D. Colvard	D	2998
Sarah Jane Birdsong	D	2806	Charles W. Phillips	D	2999
Marion Maddox	D	2807	Sarah Shanks	D	3000
John A. McKenzie	D	2808	Nettie Young	D	3009
Ione McGee	D	2809	Jerry P. Ables	D	3048
Ollie Miller	D	2810	Almedie Ross	D	3052
William A. Martin	D	2811	John S. J. Fowler	D	3055
Jesse P. Morrow	D	2812	Leaner Hood	D	3056
Oliver Mason	D	2813	James D. Jackson	D	3057
Edna Whitehead	D	2814	Emma G. Nelson	D	3058
Charley Nuckolls	D	2815	Alice Simco	D	3059
Etta M. Nidiffer	D	2817	George O. Wallace	D	3060
Louizer Ossowee	D	2818	Fannie Clay	D	3078
William H. Patterson	D	2820	Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengel	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Dated at Muskogee, Indian Territory,

Commissioner.

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 12 1901

COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 18, 1902.

Jefferson J. Fields,

Collinsville, Indian Territory

Sir:

You are hereby notified that the application of
yourself, wife ^{Eliza} and seven minor
children
for enrollment as citizen of the Cherokee Nation will be taken up for final consideration
by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 10, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D. 787

Register

Acting Chairman.
~~XXXXXXXXXXXX~~
Commissioner in Charge

C O P Y.

Cherokee D-787.

Vinita, Indian Territory, January 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Eliza Fields, et al, Cherokee D-787, it appears from the records of this division that a decision was prepared in this case on December 21, 1902, and that such decision, together with the original papers in the case are in the possession of the Commission at Muskogee.

On January 9, 1903, supplemental testimony was taken at Vinita, Indian Territory, in the matter of the application of Jefferson J. Fields, Cherokee 5345, and the same was ordered to be filed with and made a part of the record in the case of Eliza Fields, et al.

A copy of that testimony is herewith transmitted so that the same may be embodied in the decision that has been prepared.

Respectfully,

Clerk in Charge .

Enc. C-4.

JOC

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON & AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RETURN IN REPLY TO THE FOLLOWING

Cherokee D-787

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Jefferson J. Fields for the enrollment of his minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood, and rejecting his application for the enrollment of his wife, Eliza Fields, as a citizen by inter-marriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc? 2168

7784
COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-787.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

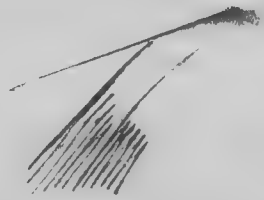
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Jefferson J. Fields for the enrollment of his seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Enc. D-10

Chairman.

Muskogee, Indian Territory, October 13, 1903.

Jefferson J. Fields,

Collinsville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood of the Cherokee Nation.

Respectfully,

Enc. D-114

Register.

Chairman.

Cherokee D-787.

Muskogee, Indian Territory, October 13, 1903.

G. W. Benge,

Attorney for Jefferson J. Fields et al.,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Jefferson J. Fields for the enrollment of his seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood of the Cherokee Nation.

Respectfully,

Enc. D-115

Register.

Chairman.

Cherokee No/
D. 787

Muskogee, Indian Territory, January 10, 1907.

Eliza Fields,

Collinsville, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D787

Muskogee, Indian Territory, March 14, 1907.

Eliza Fields,

Collinsville, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskegee, Indian Territory, March 14, 1907.

W. V. Hastings,
Attorney for Cherokee Nation,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
NTM

Commissioner.

Cher D 788

U

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Claremore, I.T. November 13th, 1900.

IN THE MATTER OF THE APPLICATION OF WILLIAM HENRY BROWN FOR
THE ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN BY INTERMARRIAGE.

The said William Henry Brown, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A William Henry Brown.
Q How old are you? A Fifty-one.
Q What is your post office? A Claremore.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll, yourself and family?
A Just myself.
Q Are you a Cherokee by blood? A No, sir.
Q White man? A By adoption.
Q Let me see your marriage license and certificate? A Here is a copy of the original. The original was filed with the Dawes Commission at Muskogee by my lawyer.
Q When were you married to your wife? A In 1888.
Q Is she dead or alive? A She is dead.
Q When did she die? A She died about three months ago.
Q Did you live with her from the time of your marriage until her death? A No, sir.
Q How long did you live with her? A I lived with her about three months.
Q Were you ever divorced from her? A Yes, sir.
Q Was the divorce given to you or to her? A To both of us.
Q That is not the way they do business: Did you get the divorce or did she get the divorce? A I got the divorce.
Q Have you got a copy of the decree? A No, sir; I lost it. She deserted me without any cause at all.
Q You made application in 1897 in your own name to the Dawes Commission, did you? A Yes, sir. I was enrolled in 1896 on the Cherokee roll, too.
Q In what district were you in 1896? A Cooweescoowee.
1896 Roll, page 295, No. 74, William H. Brown, Cooweescoowee District.
Q At the time you married your wife her name was Taylor? A Yes, sir.
Q Dollie Taylor? A Yes, sir.
Q How old would she be if she were living now? A She would be about thirty-five, I think, maybe more, but I don't remember. She was twenty-four when we married.
Q You were married in 1888? A Yes, sir.
Q Then she would be about thirty-six instead of thirty-five?
A Yes, sir.
Q What was the name of her father? A Hensley.
Q What was his full name? A I don't know.
Q What was the name of her mother? A I forget her mother's name.
Q Her father and mother are both dead, are they? A Yes, sir.
Q Now, your wife was married before she married you? A Yes, sir.
Q How many times? A Twice.
Q What was the name of her first husband? A Aleck Fawling.
Q Is he dead or alive? A I couldn't tell you. I haven't saw him for six or seven years.
Q You don't know whether he is dead or alive? A No, sir.
Q When did she marry this man Fawling? A I don't know, sir. Before ever I saw this country. She is on the 1880 roll as a Fawling.

William Henry Brown--2.

Q Did she ever get a divorce from Fawling? A Yes, sir.

Q Have you any proof of that? A No, sir; I have only got his word for it.

Q Whose word? A Her folks, is all I have got, just what they said about it.

Q Well, she left Fawling, and who did she marry then? A She married Elbert Taylor.

Q Is he dead? A Yes, sir.

Q When did he die? A He died about a year before me and her was married.

Q Where did Taylor die? A He died near Bragg Station down there.

Q He died along in 1887, did he? A Yes, sir; about a year before me and he was married, or a little over a year.

Q Where did you get your divorce from your wife? A At Garfield, at that court house in Illinois District.

Q You got your divorce in 1888, three months after you were married? A Yes, sir.

Q Were you ever married except to this wife? A Yes, sir; I was married in Missouri.

Q When were you married in Missouri? A I was married in Missouri, about 1880.

Q Who was it you married there? A I married a woman by the name of Abbie.

Q What is her full name? A Minnie Abbie.

Q Is that her maiden name? A Yes, sir.

Q Where did you marry her in Missouri? A In Linn County, in the north part of the State.

A Is she dead? A I don't know, sir. We was divorced before I left there.

Q Have you any proof of that divorce? A No, sir; I haven't any proof of it at all. She got the divorce from me. I never got the divorce at all.

Q You were not married from the time you and she separated until you married this wife Dollie Taylor? A That is right.

Q Have you married since you married Dollie Taylor? A No, sir; I have been single since I was divorced from her.

Q How did you happen to leave this woman Dollie Taylor? A I never left her; she left me.

Q How came he to leave you? A I don't know, sir. I never had a word with her in the world; she just bundled up her things and went off. I went and got her back once, and her sister brought her back once, and she didn't have any excuse only she didn't like the place, and I didn't have any other place to stay, though I never had a bit of trouble with her in the world.

Examination by Mr. W. W. Hastings, representative of Cherokee Nation:

Q You sued her for a divorce? A Me and her got a divorce at the same time.

Q Did you bring the suit or did she bring it? A We got a divorce by mutual consent of both parties.

Q What were the grounds alleged? A Not a thing in the world.

Q Did you go and institute a suit in court and have the sheriff summon her, or did she do that and have you summoned into court? A No, sir; there was nothing of that kind. We just went before the judge and he granted a divorce.

Q What judge? A Judge Lynch. Nothing else would do her. I tried to get her out of the notion. I told her I didn't want her to quit me at all.

- Q What is her present name now? A She is dead.
- Q You lived with her only three months? A About three months.
- Q Have you secured a divorce? A Yes, sir; by mutual consent.
- Q What did this woman secure a divorce from you for in Missouri? A Why, she hadn't no excuse at all only she wanted to ware the breeches, and I told her she couldn't do it and she pulled out.
- Q Did you ever marry except these two times? A I haven't been married since I married that one in Missouri until I married this woman in the Cherokee Nation.
- Q Have you married anybody since? A No, sir.
- Q You have married but the two times.
- A I have been married three times in my life.
- Q What is the other one? A I married when I was seven-ten years old.
- Q Where were you married then? A In Missouri.
- Q What was that woman's name? A Her name was---I can't call her name. She died before I was married the second time.
- Q You don't remember your first wife's name? A Yes, sir; I can think of it. Her name was Blord.
- Q Why didn't you tell the Commission that a while ago? A He asked me if I had been married besides that and I told him I married a woman in Missouri.
- BY THE COMMISSIONER: I asked you how many times. Why didn't you tell that to me? A I didn't think it was necessary.
- Q You didn't think it was necessary. Didn't you think it was necessary to preserve your oath? A Yes, sir.
- Q Why don't you do it then? A I will.
- Q You are not doing it. You contradicted yourself here.
- A I aim to tell the truth.
- Q You are not doing it, according to your own testimony.
- A I didn't think it was necessary to tell everything I knowed.
- Q You took an oath to tell the whole truth. I will report you to the Federal Court if you don't tell it. A I will tell it. I beg your pardon.
- Q You are not observing your oath. A Well, I didn't aim to evade the truth.
- (Examination by Mr. W. W. Hastings continued)
- Q Now, have you ever been married more than three times? A No, sir.
- Q Where have you been living for the last ten years? A Right here by Claremore, here eight miles south of Claremore.
- Q When did your last wife die, Dollie Taylor? A About three months ago.
- Q Where? A Down by Bragg Station.
- Q What was her name at the time she died? A Well, Taylor I reckon, Dollie Taylor, I reckon.
- Q She went by the name of Taylor? A Yes, sir;--Well, she was living with another man, but she had never been married to him.
- Q What was his name? A His name was George Pettit. He has been dead about three years.
- BY THE COMMISSIONER:
- Q Did she go by the name of Pettit in 1896? A I don't know, sir. I expect she did like enough.
- 1880 Roll, page 532, No. 725, Dollie Pawlen, Illinois District.
- Q Now, where have you lived since you married your wife in

William Henry Brown---4.

1888? A I lived two years down on John Patrick's place near Bragg Station, and the balance of the time out here south of Claremore.

Q Have you lived in the Cherokee Nation ever since 1888? A Yes, sir.

THE COMMISSIONER: The applicant applies for the enrollment of himself as an intermarried white man. He is identified on the roll of 1896 and states that he has lived in the Cherokee Nation ever since his marriage in 1888. He is not able at this time to produce official evidence of his marriage, and he is required to present to the Commission the original, or an official copy, of his marriage license and certificate.

He states that he was twice previously married; that his first wife died before he married his second wife, and that he procured a divorce from his second wife, but whether she is now living or dead he does not know. He does not produce official evidence of that divorce. He is required to produce this evidence to the Commission.

He states that his last wife, through whom he claims rights of citizenship, is now dead; that she was twice previously married and that she was divorced from her first husband, who may be still living. He produces no official evidence of that divorce, which he is required to do.

His last wife is said to have died very recently; she is found to have been enrolled under the name of Dollie Pettit, Card No. 1894. Her testimony makes no reference to her having ever been married to the applicant, although she was interrogated in regard to her former marriages.

At present this application will be placed upon a doubtful card to await the official evidence indicated. The applicant is also required to supply the Commission with a copy of the judicial record in regard to his own divorce from his alleged Cherokee wife, with whom he states he lived only three months after their marriage in 1888. He states that he has never married since separating from her, and that he has lived continuously in the Cherokee Nation.

-----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of November A. D. 1900.


Commissioner.

1035 C

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 26 1901

45

This certifies that I granted a
license to W. H. Brown, a citizen of
the U. S. to marry Mrs. Dally-
Taylor, a citizen of the Cherokee
Nation on the 16 day of Feb.
1888, whilst I was Judge of
Illinois Dist. Cherokee
Nation and married them on day.

This 29. Oct. 1896,

J. Jay Thornton.

Deputy Clerk.

See Dist. Clk.

1888 NO

1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 26 1901

Handwritten signature
C. ARVIN

CHIEF OF DISTRICT
VS
LEE ALLEN

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B. W. Alberry

POOR ORIGINAL -
BEST AVAILABLE COPY

Dolly Fallen {

vs. {

Alex. Fallen. {

Suit for divorce upon the plea of extreme
cruelty vide sec. 142 p. 188 code 1881.

At 1st call the defence failed to answer because the duplicate summons had been transmitted to Canadian Sheriff for service but the def. A. Fallen could not be found hence returned unserved and continued to succeeding reg. Term.

Executive Office Cherokee Nation,

Tahlequah I. T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy, and a complete copy, of all records show of said case, taken from the Circuit Court Record of Illinois District Cherokee Nation, now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 22nd day of December 1900.

((SEAL))

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

MUSKOGEE I. T., NOVEMBER 24, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Subscribed and sworn to before me this the 24th day of November, 1902.


Notary Public.

No.

Certified Copy of Order

—OF—

Circuit

Court,

MADE AT

June

Term, 1883,

IN THE MATTER OF

Almina Brown
vs.

William Brown

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 26 1901

[Signature]

STATE OF MISSOURI,

County of

Linn

} ss.

I.

J A Neal

Clerk

of the

Circuit

Court, in and for said County, hereby certify the above and foregoing

to be a true copy of the ~~proceedings~~ ^{same} of our said

Circuit

Court, on the

day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the

seal of said Court, at office in

Linn

this the

4th

day of

January 1900

J A Neal

Circuit

Court.

Clerk

By

John J Neal

D. C.

STATE OF MISSOURI,

County of

Linn

ss.

June

Term, 1883

In the Circuit Court of said County, on the Ninth day of June 1883, the following, among other proceedings, were held, viz.

Almina Brown

vs

William Brown

Now at this 9th day of June 1883. Comes the plaintiff by attorney and the defendant having appeared to the petition says nothing further in bar of plaintiff's action; all and singular the matter is submitted to the Court, and the Court having heard the evidence doth find that the plaintiff is a much injured and innocent person. It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony existing between plaintiff and defendant be forever dissolved, and the plaintiff divorced; and it is further ordered and adjudged by the Court that the plaintiff have and recover of the defendant the sum of Five hundred Dollars as Alimony, and it is further ordered, adjudged and decreed by the Court that the plaintiff have the care custody and control of the minor child born of their marriage, Levi Brown and she be restored to her maiden name, Almina Abbey, and it is further ordered and adjudged by the Court that the plaintiff do have and recover of the said defendant her costs and charges in this behalf laid out and expended and have thereof execution

1000 f

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 27 1901

ALFRED CHAMMAN

S U P P L E M E N T A L - T E S T I M O N Y .

"D" # 7 8 8 .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF William H. Brown, "D" #788.

COMMISSIONER T. B. NEEDLES:

Applicant by his attorney, A. M. Calloway files a certificate, certifying that a marriage license was granted to William H. Brown to marry Mrs. Dolly Taylor, a citizen of the Cherokee Nation, on the 16th day of February, 1888.

He also presents a copy of decree of divorce between Almira and William Brown; also certificate of divorce between Dolly Fallen and Alexander Fallen.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

T. B. Needles

Subscribed and sworn to before me this 27th day of February, A. D., 1901.

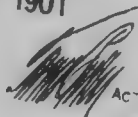
[Signature]

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 12 1901

A handwritten signature in dark ink, appearing to be 'J. P. ...', is written over the stamp.

ACT'G CHAIR

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

At H. Brown & Co. Sept 11 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of

William H. Brown for enrollment as
citizens of the Cherokee Nation.

No. 5788

A. M. Callaway
Atty for applicant

Subscribed and sworn to before me this September 24th, 1901.


True and complete transcript of his stenographic notes thereof.

Witness H. Brown

EXHIBIT TO THE FIVE CIVILIZED TRIBES

FILED

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Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 24, 1901.

In the matter of the enrollment of William H. Brown as an intermarried Cherokee Indian citizen.

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:

The applicant, William H. Brown, in person.

W.W.Hastings, on the part of the Cherokee Nation.

CHARLES PIERCE, being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Charles Pierce.
Q What is your age, Mr. Pierce? A 52.
Q What is your post-office? A Braggs.
Q Do you know William H. Brown, the applicant? A Yes sir.
Q Did you know his wife, Dollie Taylor? A Yes sir, Dollie Taylor, Dollie Hensley, or Dolley Fallen.
Q Were you an attorney at that time, practicing before the Cherokee Courts? A Yes sir.
Q Please state what you know of a divorce between Dollie Taylor and her husband Brown? A Thomas Downing and myself were in partnership, practicing law, and we were employed to bring suit for Mr. Brown against his wife, and did so; suit was brought in the Circuit Court of Sequoyah District.
Q You know what was alleged? A I don't remember.
BY MR. HASTINGS:
Q About when was that? A 10 or 12 years ago; best I can recollect.
Q The records were made up at the time? A Should have been; all the records would be just the clerk's entry, showing the disposition of the case.
Q You know whether she appeared? A I don't think she did.
Q You think it went by default? A Yes sir, best of my recollection she didn't appear.
Q Under your system of practice at that time, if ~~the~~ it went by default you didn't have to introduce any testimony to sustain the allegations? A No sir.
Q No testimony was introduced? A None at all, I am confident of that.
Q How long had you known this woman before? A A good many years; her maiden name was Dollie Hensley, and she married Alex ~~Tayk~~ Fallen and they separated and she married Alf Taylor and he died, and then she married this man.
Q That's all her marriages prior to this marriage to Brown? A Yes sir.
Q You know how long she and Brown lived together as husband and wife? A Not exactly, but a very short time.
BY COM'R NEEDLES:
Q You know anything of the circumstances, of the cause of divorce? A No, I know they separated.
Q You don't know whether he abandoned her or she him? A No, I don't know about that.
Q But he applied for the divorce? A Yes sir.

COM'R NEEDLES: This testimony will be filed with the testimony in the case.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a

1861
FILED
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William E. Brown 2

True and complete transcript of his stenographic notes thereof.

and
Subscribed and sworn to before me this September 24th, 1901.

L. R. Dickinson

Commissioner.

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DEPARTMENT OF THE ARMY
COMMISSION TO THE ARMY

Q Now other questions of calling out except that? A No, sir.
Q That the only reason you have got to satisfy? A Yes, sir.
Q You want to live on this direct? A That was the reason.
Q You state now that the reason you left this man was because you
Q well, in fact, I think I think
Q Yes, sir.
Q Well, were
Q A well, were
Q You really
Q Brown.
Q Now have you
Q What is the
Q What was the
Q married to Taylor before you married Brown?
Q Yes, I married after we
Q Taylor.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of William H. Brown for enrollment as a Cherokee by intermarriage.

Supplemental testimony introduced by applicant.

Appearances:

A. M. Callaway, attorney for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

DOLLY PETTIT, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Dolly Pettit.

Q How old are you? A I am 38.

Q What is your postoffice? A Braggs Station.

Q Are you a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Mr. Callaway: Now Mrs. Pettit, I wish to introduce you to prove that you and Mr. Brown were formerly married, and prove who did the leaving when you separated? A No.

Q Are you the former wife of W. H. Brown, the applicant here? A Yes, sir.

Q You and him separated? A Yes, sir.

Q Who did the leaving, you or him? A I did.

Q For what cause did you separate from Mr. Brown? A I just didn't want to live on the place there where he was living, and I wanted to go back home.

Q Did Mr. Brown abandon you? A No, sir.

Commissioner: You have been enrolled? A Yes, sir.

Mr. Hastings: How long did you live with Mr. Brown? A Two or three months, I don't remember.

Q Had you been married before? A Yes, sir.

Q How many times? A I don't know.

Q Before you married Mr. Brown? A Once.

Q Just once? A Yes, sir, once.

Q Had you and your former husband separated? A Yes, sir.

Q Was he alive? A Yes, sir.

Q Where was he then when you married Mr. Brown? A He was living down there.

Q What was his name? A Falling.

Q Who secured the divorce between you and Falling, or was one secured? A Well I don't hardly remember, it has been so long.

Q Were you at the Court when this divorce of your husband, Brown, was secured against you? A I can't hardly tell you, that has been so long I have almost forgot.

Q You say the reason that you left the place was you didn't want to live on that place? A No, I wanted him to move with me to my place and he didn't want to go.

Q Where do you live now? A Why I live six miles of Edna, Kansas, in the Cherokee Nation.

Q How many times have you been married altogether? A Five

Q You answered the Commission on August 24, 1900, at Fort Gibson, when you made application, when this question was asked you: "How many times have you been married?", and your answer was "Three times."

A Well maybe it is three times, I guess, I don't remember; yes, three times.

Q Well you just now said five times.

A Yes, I know I did but I made a mistake.

Q Now can't you count up and be certain? A Yes, sir, three times is all.

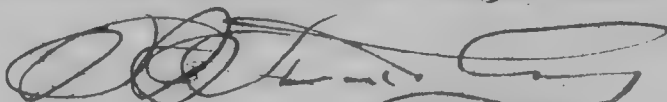
Q Now what was your first husband's name? A Alex Falling.

Q What was the first one's name? A Al Taylor.
Q What is the next one? A Brown.
Q Now have you been married since? A Yes, I married after me and Brown.
Q You really don't know how many times you have been married, do you? A Well, there is Alex Palling and Taylor and Brown and Pettit.
Q Well, were you married to Taylor before you married Brown?
A Yes, sir.
Q Well, is Taylor living? A No, sir, he is dead.
Q You live with him until his death? A Yes, sir, I did.
Q You state now that the reason you left this man was because you didn't want to live on this place? A That was the reason.
Q That the only reason you have got to assign? A Yes, sir.
Q No other dispute or falling out except that? A No, sir, not at all, that was all.

Commissioner: This testimony will be filed with the case.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 5th of October, 1901.


Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of William H. Brown for the enrollment of himself as a Cherokee citizen.

Appearances:

A.M. Callaway, Claremore, I. T., attorney for applicant;
Mr. W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were notified February 18, 1902, that the application of William H. Brown for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 10th day of March, 1902, appears by his attorney, AM. Callaway, Claremore, I. T.

BY MR. CALLAWAY: I simply ask time to file a certified copy of divorce between William Brown and Dolly Brown.

BY COMMISSION: Aside from that do you submit the case to the Commission? A Yes sir.

Q You desire to file a brief? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. Same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record, in addition to the certified copy of the decree of divorce between the applicant and his wife, Dolly Brown. The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

MAR 8 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 8, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of WILLIAM H. BROWN as a citizen by intermarriage of the Cherokee Nation.

WILLIAM H. BROWN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A William H. Brown.
Q What is your post office address? A Claremore.
Q How old are you? A 56 the 10th of this month.
Q Are you a white man? A Yes sir.
Q You claim no rights as a Cherokee by blood? A No sir.
Q You claim as a citizen by intermarriage? A Yes sir.
Q Through whom do you claim that right? A With the lady I married, Mrs. Dolly Taylor.
Q Is she living? A I think she is, I don't know for certain, she lived near Edna, Kansas, in the Territory.
Q When were you married to her? A 1888 if I mistake not.
Q Did you have a Tribal license? A Yes sir.
Q How long did you and she live together as husband and wife?
A About two months.
Q Then what took place? A She left me.
Q Did you obtain a divorce from her? A Yes sir.
Q In what court? A Cherokee Court.
Q When was that do you know the date of it? A About the first Monday in May in the same year I reckon we were married.
Q Since then have you married again? A Yes sir.
Q Who is your next wife? A Rosa E. King.
Q Is she a white woman? A Yes sir.
Q When were you married to her? A 7th day of last August.
Q Was Dolly Taylor your first wife? A No sir.
Q Did you have a living wife at the time of your marriage to Dolly Taylor from whom you had not been divorced? A No sir.
Q Since your marriage to Dolly Taylor have you lived continuously in the Cherokee Nation? A Yes sir.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 8th day of March, 1905.

W. J. Hawkins

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 20, 1902.

In the matter of the application of William H. Brown for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A William H. Brown.
Q What is your postoffice? A Glendale.
Q What is your age? A Fifty-three.
Q Are you the same William H. Brown that applied for enrollment as an intermarried citizen in November, 1900? A Yes sir, I suppose I am.
Q What is your wife's name? A Dollie Taylor when I married her.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to her? A In '88 I think, in February or March.
Q Were you ever married before you married your wife, Dollie? A Yes sir.
Q How many times? A Twice.
Q What was your first wife's name? A Lucy Bloyd.
Q Was she living or dead when you married your present wife, Dollie? A She was dead when I married my second wife.
Q What was your second wife's name? A Almira Abbey.
Q Was she living or dead when you married your last wife? A She was living.
Q Were you divorced from her? A Yes sir.
Q Where were you divorced? A In Linn County, Missouri.
Q Have you filed a copy of your divorce with the Commission? A Yes sir.
Q Your wife, Dollie, then is your third wife? A Yes sir.
Q Is your wife, Dollie, living? A She was last fall.
Q Had she ever been married before she married you? A Yes sir.
Q How many times was she married? A She was twice married before she married me.
Q What was her first husband's name? A Alex Fellen.
Q Was he dead or living when you and she married? A He is living yet I guess.
Q Had she been divorced from him? A Yes sir.
Q Have you filed a copy of the decree of divorce? A Yes sir.
Q What was her second husband's name? A Albert Taylor.
Q Was he living or dead when you married her? A He was dead.
Q Were you married to your wife, Dollie, under a Cherokee marriage license? A Yes sir.
Q Have you filed the license with the Commission? A I think they are; I ain't certain; I had my lawyers attend to it.
Q Dollie is your third wife and you are Dollie's third husband, is that right? A I believe so.
Q How long did you and Dollie live together as husband and wife? A We lived together two or three months, I don't remember.
Q Did you separate? A Yes sir.
Q Where were you living when you separated? A Living in Illinois District, down here near Bragg's Station.
Q Living on a farm? A Yes sir.
Q Whose farm was it? A John Patrick's place.
Q Did you have it rented? A Yes sir.
Q What became of her after you separated? A Why, she got divorced and married again.
Q Where did she go, did she leave you there on the place? A Yes sir, she left me.

D-William H. Brown.

Q What did she leave you for? A She didn't like to live on the place.

Q Did you see her after you left? A Yes sir.

Q Did you talk to her? A Yes sir.

Q Did you ever try to get her to come back? A Got her to come back twice and she finally left. I never had any trouble with her.

Q When did she leave you the last time? A In April or May, I don't recall her exactly. In the same spring we were married.

Q You never had any falling out with her of any kind at all? A No sir.

Q Always got along well together? A Yes sir.

Q Did she sue you or you sue her for divorce afterwards? A I sued her for divorce.

Q In what court? A In the Cherokee Court at Garfield Court House.

Q Did you get a divorce from her? A Yes sir.

Q Since you got your divorce have you ever married again? A No sir.

Q Were you still a widower and single on the first day of September, 1902? A Yes sir, a widower now.

Q Have you lived in the Cherokee Nation all the time since your marriage to your wife, Hollie up to the present time? A Yes sir.

Q You never married any other woman since your marriage to Hollie?

A No sir. I would like to say that if I aint been mistaken I filed a copy of the decrees from her first man twice with this Commission.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Kithenberger

Subscribed and sworn to before me this 19th day of November, 1902.

B. C. Jones

Notary Public.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidecock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadbuss	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirththrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Luey Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Elin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengo	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Barris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pailee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Ladia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9588	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	16023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Seudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D	William S. Edwards	D	560
Lenora Prather	D	Susan L. Reed	D	572
Andrew M. Cooter	D	William H. Lyman	D	574
Martin L. Stokes	D	Gracia Davis	D	577
Peter Walters	D	Edward C. Bolen	D	582
Columbus M. Reeves	D	Dora Guthrie	D	585
Sarah Barnes	D	Samuel H. Hawkins	D	594
George T. Kiddy	D	Lula M. Purcell	D	600
Henry C. Agent	D	Ben Estes	D	603
Joseph Phipps	D	Thomas M. Reynolds	D	621
Henry Hilton	D	Arthur Dodge	D	622
David A. McGlamery	D	Carrie L. McNair	D	624
Maggie Doublehead	D	Constantine N. Walker	D	641
Annie Lovett	D	Joseph Davis	D	648
Nora Hood	D	Leander A. Keys	D	650
John A. Johnson	D	James J. Barndollar	D	655
Nathaniel G. Simpson	D	Nathan J. Brink	D	682
Oncico W. Head	D	William S. Miles	D	688
Etta Taylor	D	Emma Waybourn	D	698
Susan V. Sullivan	D	Dora E. Rogers	D	708
Levi H. Tackett	D	James W. Turley	D	709
William H. Connelley	D	Lizzie Ward	D	711
Julia A. Sullivan	D	Robert J. Holly	D	713
May Fields	D	Belle I. Quinton	D	728
Katie Hummingbird	D	Francis M. Boothe	D	734
William F. Sager	D	Amos W. Lord	D	746
Lovick P. Garrison	D	Agnes N. Childers	D	749
Henry Grubb	D	John E. Renfrow	D	752
Lucy F. Lacey	D	William Coon	D	759
Callie Blevins	D	Louis Bruere	D	779
James S. Alfrey	D	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D	Eliza Fields	D	787
Ada Hall	D	William H. Brown	D	788
Jane M. Hicks	D	William A. Cox	D	793
Fannie L. Dupree	D	Charles A. Robison	D	799
Willis Battles, Jr.	D	Artha Williams	D	800
Joshua W. Ellis	D	Adam Gearhart	D	806
Nina B. Owen	D	Cicero F. Rogers	D	855
John M. Ridenour	D	Annie Garrett	D	856
Emery S. Thompson	D	George S. Yarborough	D	875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauroneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 25 1902

COMMISSIONERS:

HENRY L. DAWES,

JAMES BIXBY

THOMAS B. NEEDLES

C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18,

1902.

William E. Brown,

Claremore, Indian Territory.

Sir:

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 10, 1904.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certified copy of divorce of Dolly Fallen from Alex. Fallen; also a certified copy of divorce of William H. Brown from Dolly Brown

Yours truly,

Copy to A. M. Galloway,
Attorney,
Claremore, Indian Ter.

Cherokee D. 788

Register

~~ALLISON I. AYLESWORTH~~
Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWBS
TAMS BIXBY
THOMAS B. NEEDLE
C. R. BENTONRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 788

Muskogee, Indian Territory, May 27, 1902.

Mr. A. M. Callaway,

Claremore, Indian Territory.

Dear Sir:

In the matter of the application of William H. Brown, you filed with this Commission on February 26, 1901, what purports to be a decree of divorce between Dolly Fallen and her former husband Alexander Fallen. Upon examination of this document it appears to be nothing more than an entry of the suit and an order of continuance. It fails, in any manner, to show that the parties named therein were divorced.

The record in this case must be made to show that Dolly Taylor or Fallen was capable of entering into the marriage relation with your client William H. Brown, and it must be shown that she was divorced from her former husband Fallen, or that he was dead at the time of her alleged marriage to Brown.

This case will be held open until June 10, 1902, and you will be permitted between now and that date to introduce any evidence you may desire relative to this application.

Yours truly,


Commissioner in Charge

Register

Cherokee No.
D. 788

Muskegee, Indian Territory, January 10, 1907.

William H. Brown,
Claremore, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D788

Muskogee, Indian Territory, March 14, 1907.

William H. Brown,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
NTH

Commissioner.

5788)

There should be
documentary proof of
divorce between

J^m H. Brown and
his wife Sophie

187
187

Dec 22

U. M. Colman

Attorney



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

800

Cher D 789

Cher D 789

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., November, 13, 1900.

In the matter of the application of Farle Pharris for the enrollment of himself and two children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Farle Pharris.
Q How old are you? A 44.
Q What is your postoffice address? A Pryor Creek.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Who do you apply for enrollment? A Myself and two children.
Applicant presents certificate of admission issued from the office of the Cherokee Commission on Citizenship under date of the 6th day of September, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, attested by C. O. Frye, Clerk, certifying among others that one Farle Pharris was admitted to citizenship on said date.
Q Are you the identical Farle Pharris mentioned in this certificate? A Yes sir.
Q Are you married? A Yes sir.
Q Have you any marriage certificate? A No sir, I haven't it with me.
Q Is your wife a citizen by blood? A No sir.
Q What is her name? A Lizzie.
Q What was her name before you married her? A Brown.
Q When did you marry her? A Been married 11 years.
Q Where were you married? A In California.
Q What are the names of your children? A Allen.
Q How old is he? A Eight years old.
Q Name of the next child? A Amy A.
Q How old is she? A 6.
Q Next child? A That's all.
Q How long have you lived in the Cherokee Nation? A Since about '83.
Q Been living here continuously since that time? A No sir.
Q Where were these children born? A One was born in California and one was born in Washington.
Q How long have you been living in the Cherokee Nation? A I have been living here since '83, but not continuously. I have been away two or three different times, being in and out.
Q Been living here since '83; how did your children happen to be born in California? A I have been out of here two or three different times, backward and forward.
Q When did you come back the last time to live? A About two weeks this time.
Q Where did you live before that? A Came from Washington.
Q State of Washington? A Yes sir.
Q The fact then is you have not been living in the Indian Territory but for two weeks? A I have my place and everything I got is here.
Q Where were your family in '83? A I was here.
Q Living here? A I was living here in '83.
Q I mean in 1898? A I was in Washington in 1898.
Q Neither of your children were born in the Cherokee Nation? A No sir, they were not.
1894 roll: page 269, #3276, Farley W. Pharris, Cooweescoowee.
1894 roll: page 269, 3277, Allen Pharris, Cooweescoowee.
1894 roll: page 269, 3278, Agnes Pharris, Cooweescoowee.
- W. W. Hastings, Representative of the Cherokee Nation-
Q Where did you come from to the Cherokee Nation in '83 or '84?
A From California.
Q How long did you remain? A About six years as near as I can tell
Q Then you went back to California? A I went back to California and was gone something like two months.

3- P.P.

Q How long did you remain in the Cherokee Nation when you returned that time? A I staid here something like two years I guess.
Q Then you went where? A Then I went to Washington.
Q And you remained here until two or three weeks ago? A No sir, I came back again.
Q How long did you stay when you came back the next time? A I don't know really how long I was here.
Q Figure it up can't you tell? A I don't know.
Q A month or a week? A Oh yes, I don't know whether I was here a year or not.
Q Where were you married? A In California.
Q When? A Eleven years ago.
Q None of your children born in the Cherokee Nation? A No sir.
Q Your wife has never been in the Cherokee Nation? A Yes sir.
Q When did she come? A She has been in the Cherokee Nation she was with me until I went away; she went away with me the last time on account of her health.
Q What were you doing out there? A Anything I could get to do.
Q What was that? A I fished and I worked for a mill.

Commissioner Needles-

The name of Farle Pharris is found upon the pay roll of 1894, and he presents certificate of admission to citizenship more fully described in the testimony certifying that he was admitted to Cherokee citizenship in September 1884. His name does not appear upon the Census roll of 1896. He avers that he was married to one ~~Lizzie Brown~~, a non citizen, of the State of California, but presents no proof of marriage. He avers that be said marriage he has two children, whose names appear upon the pay roll of 1894, but do not appear upon the Census roll of 1896. He fails to make satisfactory proof as to his residence; he makes no proof as to his marriage to his wife; consequently, final judgment as to the enrollment of the said Farle Pharris will be suspended. His name will be placed upon a doubtful card because of unsatisfactory proof as to his residence. His two children will also be placed upon a doubtful card and final judgment for their enrollment will be suspended awaiting proof of marriage and satisfactory proof as to residence.

E.B. Rothenberg, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 13th day of November, 1900.

E. B. Rothenberg
Commissioner.

CONFIDENTIAL

Enclosed and return to the office of the Chief of Police, New York City, New York, the 1st of October, 1901.

3 190

RECEIVED
OCT 1 1901

UNIT, and counsel representing the City of New York, New York, in the proceedings in the above named and filed the following is a list of the persons to the above named persons who are alleged to be in the possession of the same. And whereof certain of the same are alleged to be in the possession of the same.

CONFIDENTIAL

RECEIVED
OCT 1 1901
UNIT, and counsel representing the City of New York, New York, in the proceedings in the above named and filed the following is a list of the persons to the above named persons who are alleged to be in the possession of the same. And whereof certain of the same are alleged to be in the possession of the same.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Parle Pharris, et al., Cherokee Doubtful case #789.

Appearances:

J. L. Baugh for the Cherokee Nation
Applicant present in person.

JOHN FINE PHARRIS being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation.

(By Baugh)

- Q What is your name? A John Pharris.
Q What is your age? A 48.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have lived here off and on since '84.
Q Are you acquainted with the applicant, Parle Pharris? A Yes sir.
Q What relation is he to you? A Brother of mine.
Q Do you know when he was admitted to citizenship? A Some time in '84 I dont remember exactly.
Q How long has he lived in the Cherokee Nation? A Off and on since '83, he came here in '83.
Q Where has he been living for the last eight or ten years? A For the last eight years he has been part of the time in Washington.
Q State of Washington? A Yes sir.
(By Applicant of Witness)
Q Who had charge of my place while I was away? A I did.
Q Did you lease it for me or rent it? A Rented it.
Q What did you do with the proceeds of that place? A Part of it I put in the place and part of it I sent to you.
Q Why did I go away from here? A By the advice of Dr. Burr, on account of your wife's health; he advised you to take her to the coast.

SCOTT WESTFALL being first duly sworn ~~stated that~~ by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Baugh)

- Q What is your name? A Scott Westfall.
Q How old are you? A 53.
Q What is your post office address? A Chouteau.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q How long have you known Mr. Parle Pharris? A About a year.
Q Do you know anything about where he has been living prior to the time you were acquainted with him? A They told me he was in Washington; I rented his farm from his brother for three years, and he told me afterwards that his brother was coming back on the place himself.
Q You understood then that he had been living in Washington? A Yes sir.

(By Applicant of witness)

- Q When you rented the farm, whose farm did you understand it to be?
A Your place—Parle Pharris' place.
Q Did you ever hear anything said as to where the rents of that place was to go? A When he sold the corn he said he sold it to send you money to come back on.

(By Commission of applicant) (He having been duly sworn)

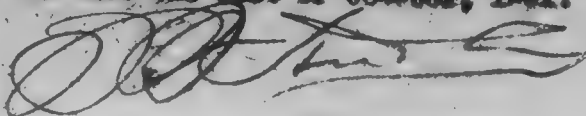
- Q Where do you live now? A On the place.
Q Where is that? A In the Cherokee Nation.
Q How long have you lived there? A Been there continuously since I came back.
Q Born and raised there? A No, since I came back this last time.
Q When did you come back this last time? A A year ago.
Q Did you bring your family back then? A Yes sir.
Q Before that where did you live? A I lived there a year before that.

Q How could you live there a year before you got back? A I don't understand your question.
 Q Well, how long have you lived there this last time? A A year.
 Q Where did you live before that year? A In Washington Territory.
 Q How long had you lived in Washington Territory? A Between 7 and 8 years.
 Q Did you own property in Washington Territory? A No sir.
 Q What were you doing there? A Working.
 Q Did you ever vote there? A No sir.
 Q Did you ever vote in the Cherokee Nation? A No sir.
 Q You say you owned no property in the Washington Territory? A No sir.
 Q You had been living there 7 or 8 years before you came back here this last time? A Yes sir.
 Q Where had you been living when you went to Washington Territory? A In the Cherokee Nation.
 Q How long had you been living here when you went to Washington Territory? A Between 7 and 8 years.
 Q Where did you live before that? A In California.
 Q You were married in California and your children were born in California? A Yes sir and in Washington Territory.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 11th of October, 1901.



Commissioner.

and original transcript of my stenographic notes thereof. I then and accordingly in this case and that the foregoing is a true and correct copy of the stenographic notes as I corrected the foregoing to the stenographic notes that are stenographic to the Committee.

ACTING CHAIRMAN

6 Met and put on the wall of
the old temple and wall of.

[illegible]

SA JONES had the best pack that this year. A lot of people were going to Washington. Yes sir. The kids were going to Washington. Two. Some kids were and afterwards went to Washington. And that's all.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Farle Pharris for the enrollment of himself and children as Cherokee citizens.

Appearances:

I. P. Bledsoe, Cheuteau, I.T., ~~attorney~~ agent for appl'ts;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 10th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 10, 1902, appears by his agent, I.P. Bledsoe.

JOHN PHARRISS being first duly sworn and being examined testified as follows:

BY MR. BLEDSOE:

- Q What is your name? A John Pharris.
Q How old are you? A I will be 49 in June.
Q Where do you live? A Wagoner.
Q Do you know Aggie Pharris? A Yes sir.
Q What relation is she to you? A My mother.
Q Do you know Farle Pharris? A Yes sir.
Q What relation is he to you? A My brother next to me.
Q Do you know whether Farle Pharris owns a place in Cooweescoowee District or not? A Yes sir.
Q You know how long he has owned that place? A Since 1884.
Q Was he admitted with yourself and your mother at that time to citizenship in the Cherokee Nation? A Yes sir.
Q And where was he during the year 1896? A In 1896 he was in Washington Territory.
Q Did he have a place here in Cooweescoowee District while he was in Washington Territory? A Yes sir, had the place ever since, same place he first located in 1884.
Q About how many acres did he have under fence on that place? A When he first fenced it or now?
Q When he left here and went to California? A 80 or 90 acres.
Q Did he have a house on that place? A Two houses, two room box house and a story and a half log house.
Q Who did he leave his property here with when he left here; what property did he have when he left here? A He had ~~horses~~ horses, I say horses he had a horse and a mule.
Q How many cattle did he have? A Some cows and calves, 12 or 15 I don't remember exactly.
Q Did he have any hogs? A Yes sir, 25 or 30 head, somewhere along there; had more hogs than anything else.
Q Was he living in ~~either~~ either one of these houses when he left? A Yes sir.
Q Did he take his household and kitchen furniture away when he left? A No sir.
Q What did he take away? A Just his trunk and his wife's clothes.
Q What was the cause of his leaving? A On account of his wife's health, Doctor Bird advised him to take his wife to the coast.
Q Who attended to this place while he was gone? A I did.
Q What became of the rents? A Part of it I put on the place and broke some more land and the rest of it I send to him.
Q Where is Farle Pharris now? A Up on this place.

Q On the same place you had charge of? A Yes sir.

Q He has continued to hold that place and own it since he left here up until now? A Yes sir.

Q And he has been receiving the profit and rents? A Yes sir.

BY COMMISSION: The original certificate showing the admission of Farle Phariss to citizenship in the Cherokee Nation on the 6th day of September, 1884, by the Cherokee Commission on Citizenship. Same is filed herewith.

BY MR. HASTINGS:

Q This man was married in California? A Yes sir.

Q All of his children were born in out there? A No; his children were born in Washington.

Q When did he marry in California? A I don't remember; I think it was about 1889.

Q That was after he was admitted? A Oh yes, he was admitted in 1884.

Q He went out there then before he married, out to California? A Before he married; he went out there and married a girl in California.

Q That was after he had gone from here to California? A No, he went from here out there and I suppose stayed two or three months, when he got married.

Q I reckon he didn't go that time on account of his wife's health did he? A No; he just went out to California and got married and come back here and afterwards went to Washington.

Q How many children has he? A Two.

Q They were both born in Washington? A Yes sir.

Q How long has he been back here this last time? A Why he has been here something over a year I think.

Q Returned here to enroll didn't he? A Moved here yes sir.

Q He has practically lived here all the time in California or the state of Washington since he was married up to the time he came to enroll? A No, he came back here and stayed a year or two years after he was married.

Q Well with that exception? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Farle Phariss for the enrollment of himself and his minor children, Allen and Amy A. Phariss, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 13, 1900, Farle Phariss appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and his two minor children, Allen and Amy A. Phariss, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 24, 1901, and at Muskogee, Indian Territory, on March 10, 1902.

The evidence shows that the said Farle Phariss, among others, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 6, 1884; that the said minor applicants are his children, born since the date of his admission.

It further appears that the applicants are identified on the 1894 Cherokee strip payment roll as follows: Farle Phariss as Farley W. Phariss; Allen Phariss; Amy A. Phariss as Agnes Phariss.

The evidence further shows that the said Farle Phariss removed to and settled in the Cherokee Nation in 1883 and continued to reside therein until about the year 1891, at which time he removed to the State of Washington and remained there until about 1900 when he returned to the Cherokee Nation; that during the period of his absence from the Cherokee Nation the said Farle Phariss maintained possession and control of a farm in the Cherokee Nation and certain live stock and other personal property which he kept thereon.

It is, therefore, the opinion of this Commission, following the decision of the Department in the matter of the application for the enrollment of Joseph D. Yeargain, et al. as citizens of the Cherokee Nation (I.T.D. 2900--1903), that Farle Phariss, Allen Phariss and Amy A. Phariss should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James G. Smith

Chairman.

I. E. Woodley

Commissioner.

J. D. Brookings

Commissioner.

W. E. Stanley

Commissioner.

Muskogee, I. T.,

this SEP 18 1903

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-789

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903

W. V. Hastings,

Attorney for the Cherokee Nation,

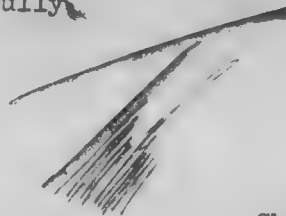
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Farle Phariss for the enrollment of himself and his two minor children, Allen and Amy A. Phariss, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully



Chairman.

Enc. D-37

THE MATTER OF THE APPLICATION OF

Perle Pharris et al

FOR DIVORCE AS

CHEROKEE CITIZENS

Original testimony Nov 13 1900

Hom. of application Nov 13 1900

Marriage license and certificate

Receipt for testimony Oct 23, 1901

Supplementary testimony 12/4/01

D 789

Notice of final consideration, 3/10/02

Certificate of dissolution

Supplemental testimony and

order dissolving marriage 3/10/02

Case closed

to Clerk

Cher D 790

Cher D 790

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE CIVILIZED TRIBES.
Claremore, I.T. November 13th, 1902

IN THE MATTER OF THE APPLICATION OF CALVIN S. COOPER FOR
THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE
CITIZENS.

The said Calvin S. Cooper, being sworn and examined by Commis-
sioner C. B. Breckinridge, testified as follows:

Q Give me your full name, please. A Calvin S. Cooper.

Q How old are you? A Forty-seven years old, past.

Q What is your post office? A Collinsville.

Q You live in Coowaseeowee District, do you? A Yes, sir;
I suppose it is Coowaseeowee.

Q Have you a wife? A Yes, sir.

Q How many children have you? A Four children.

Q Are you a Cherokee by blood? A Yes, sir.

Q What is your wife? A She is a white woman.

Q How long have you lived in the Cherokee Nation? A Well,
I have been living here off and on for the last twelve or fifteen
years,--fifteen years I guess, working at the carpenter trade,
and that caused me to work in different places.

Q Where did you live before you came to the Territory first?
A In Texas.

Q Are you a recognized citizen of the Cherokee Nation? A
By the court, yes, sir.

Q Have you a copy of the decree? A Yes, sir.

Q Where have you lived for the last three years? A Part
of the time here and part of the time in Oklahoma City.

Q Well, are you keeping house? A Part of the time, yes,
sir. My wife and I have been separated for sometime.

Q Well, I want to know where your actual residence is.

A Well, I claim my residence here.

Q Do you live up to your claims--that is the question.

A I am at my home. I count it my home.

Q You didn't do any voting out there? A No, sir; I have
not for a long time.

Q When did you vote in Oklahoma last? A About two years
ago in the City election.

Q That was in the fall of 1899? A Yes, sir.

Q Have you done any voting since that? A No, sir.

Q Anywhere? A No, sir; not since 1899.

Q Where were you the first of January, two years ago last Jan-
uary? A Let's see; I don't remember just now where I was.

Q Where were you pretty much during the year 1898? A Well,
in 1898 I was in the Territory, I think, in 1899, two years ago.

Q Where were you most of last year, during the year 1899?
A I was part of the time in the Territory and part of the time
in Oklahoma City.

Q Where were you most of the time? A Well, I expect I
was mostly in Oklahoma City of that time.

Q Where have you been mostly this year? A Well, about
half the time there and half the time here. I expect I was
in the Territory here most of the time this year.

Q Where are you keeping house? A I ain't keeping house.
I told you just now me and my wife separated.

Q I thought you might have your children. A Well, the
children are with her. She kept the children and I am boarding.

Q Where is your wife? A At Oklahoma City.

Q When did you separate from your wife? A It has been
four or five years ago when we first separated.

Q You have been living together since that? A We went
back and lived together a while and we quit a gain about three
years ago.

Calvin S. Cooper--2.

Q Well, have you got a divorce from her? A No, sir.
Q You have left her and left the children with her? A Yes, sir; she kept the children.
Q And you are boarding? A Yes, sir.
Q She didn't leave you? A No, we just kind of agreed to split, and not live together any longer.
Q And you left, did you? A Yes, sir.
Q She didn't drive you away? A No, sir.
Q She did not scandalize you in anyway? A No, sir.
Q You just couldn't get along satisfactorily and quit? A Yes, sir. We couldn't agree and so quit.
Q You left her? A I just pulled out, yes, sir.
Q Are those children all out there now? A Yes, sir; they was when I left there.
Q How long has your wife been living out there? A She has been out there eleven years.
Q Haven't she been living here at all in the Cherokee Nation? A Oh, she has lived here, yes, sir, but then she has been living there in Oklahoma City where she is for the last eleven years.
Q She has got the minor children there with her? A Yes, sir.
Q Now, is she living there with those children in a home that you have provided for them? A Well, she has--no, she has not got the home now I provided. We sold the place since that time and we haven't had any place.
Q When did you sell it? A It has been about six years ago since I sold that place.
Q How does she happen to be living in Oklahoma City for the last six or seven years? A Well, we went out there to make some money working at the carpenter trade--that is my trade.
Q Was it by your direction that your family were living there? A Yes, sir. I thought I could make some money there.
Q That is where you desired your children to be? A Yes, sir; it is where I wanted to make some money.
Q I am speaking now with special reference to the rights of your wife and children. It doesn't bear on your rights in all probability. Now, was it by your direction that your children have lived in Oklahoma? A Yes, sir.
Q Has your wife been living there taking care of them? A Yes, sir; she is there with the children. She has got the children in her charge at present.
Q And has during all this six or seven years she has been living there? A Yes, sir. I have been there in the town part of the time, all part of the time here.
Q Now, give me your wife's name. A Georgia Cooper.
Q Has she any middle name? A Not that I know of.
Q How old is she? A She is forty-seven past.
Q Give me the names of your children. A Charlie W. Cooper.
Q How old is that child? A He is twenty-two.
Q He will have to apply for himself; he is over age. Give me the next child. A Tennie.
Q How old is that child? A She is seventeen past, somewhere along there.
Q The next child? A Dovie.
Q How old is that child? A She is eleven, I believe.
Q Now, the next child? A Ruthie.
Q How old is that child? A She is six years old.
Q That is all, is it? A Yes, sir.
Q They are all living now, are they? A Yes, sir; they were a few days ago.

Calvin S. Cooper et al--3.

Q Now, during this time you have been living out in Oklahoma City, or staying there, have you had some interests here in the Cherokee Nation all the while,--interests in the way of farming or investments? A I haven't had any farming interest.

Q Or money invested? A No, sir.

Q You haven't had any property back here? A No, sir; I never bought any. I have staked me out a place. I was calculating to make me a farm here.

Q You haven't fenced it up any or made any improvements? A No, sir.

(Examination by Mr. W. E. Hastings, representative of the Cherokee Nation.)

Q Your life and family, as you testified, have been living in Oklahoma City for eleven years? A She has.

Q And you have been separated for the last three years? A Five years.

Q Now, where have you lived in the Cherokee Nation? A I lived over here on Grand River.

Q At that place? A Marcus Prairie, with my step-mother.

Q What was her name? A Cooper.

Q Her first name? A Emily M. Cooper.

Q How long did you live with her? A About five weeks.

Q What did you do over there? A I was working part of the time on the farm, and part of the time helping the boys on their crops.

Q And did you get anything for that? A I didn't charge them anything only my board.

Q You were over there on a visit, weren't you? A No, I came over there to meet this Dawes Commission, is that I went over there for.

Q When? A Two years ago.

Q You came up there on business then? A That was my calculation, yes, sir.

Q Now, have you ever lived in the Cherokee Nation other than you have stated? A Out close to Adair.

Q With whom did you live close to Adair? A The same party.

Q How long did you live there? A I was there about three or four months, three months, I guess.

Q What did you do there? Were you on a business trip again? A Well, it was along in the farm season of the year, and when I got over there the boys was behing with their crops and I pulled in and helped them on the crop again.

Q About how long? A I suppose I was there with them there on the farm about a month, I guess, and helped them plant some of their corn that they didn't get to plant. It was about the first of June, I guess, when I went there.

Q Your wife and children were at Oklahoma City? A Yes, sir.

Q Were you at any other place in the Cherokee Nation? A I am now at Collinsville. I came to Collinsville last July, and I staid there about a month, and I am there now at Collinsville.

Q When did you come there this last time? A About a month and a half ago. I went over there, I guess, about the 5th of last month.

Q Have you remained at Collinsville continuously since the 5th of last month? A Not right in Collinsville since the fifth, but I have been there three weeks continuously. I expect to make my home there. I have some contracts to work when I get back there.

Calvin . Cooper et al--4.

MR. W. J. HASTING (Cherokee Representative) Comes next the representative of the Cherokee Nation and protests against the enrollment of this man, his wife and minor children, first upon the ground that the United States Court for the Southern District of the Indian Territory, sitting at Ardmore, had no jurisdiction over an appeal in citizenship cases against the Cherokee Nation; second, on the ground of non-residence.

THE COMMISSIONER: It is shown by the Lawes Commission Records, Pocket 1, page 235, Commission No. 4361, that application was made by Eliza C. Gilliam et al, to the Lawes Commission for admission to Cherokee citizenship, in 1906. The application was denied by the Commission. An appeal was taken to the United States Court; the judgment of the Commission was reversed by the court as to certain persons mentioned in said application, and among these who were granted citizenship by the court appears the name of the applicant, his wife, and his three minor children, Tennie, Lovie and Ruthie. The court No. is not given in the record now available. It appears that this ~~is~~ is a decision of the Court sitting at Ardmore, I.T.

THE COMMISSIONER: The record shows that the applicant and his wife, and his three minor children Tennie, Lovie and Ruthie, were admitted to citizenship by the United States Court sitting at Ardmore, I.T., on appeal from the Lawes Commission, their original application having been made in 1906. The testimony discloses a doubtful state of facts as regards, particularly, the residence of the applicant, second, as to the residence of his wife, and third, as to the residence of his children, who were minors at the time the Court granted them the rights of citizenship, and are still minors.

The applicant and his wife have been separated for several years, but the testimony does not disclose that this involved any abandonment of him by her, and there has been no divorce between them.

upon a doubtful card
He and his children will now be listed for enrollment as Cherokees by blood, and his wife will be listed upon the same card as a Cherokee by adoption.

The final decision of the Commission will be made known to the applicant at his post office address. It is desired also to call attention to the question of jurisdiction arising out of the action granting citizenship to these parties being by the United States Court at Ardmore, the jurisdiction of which court in Cherokee cases is questioned by the Cherokee representative present.

The undersigned, after sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of November 1900.


Commissioner.

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

.....
Subscribed and sworn to before me
this

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Calvin S. Cooper,
for enrollment as Cherokee citizens:

Case No. D 700

To Calvin S. Cooper, Collierville, T. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 10, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 5, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

R

C. D-790

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Calvin S. Cooper for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has not been acknowledged of the Commission's letter.

J.C.STARR, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A J. C. Starr.
Q What is your age? A 31, post-office, Vinita, I. T.
Q Are you stenographer for the Cherokee Nation? A Yes sir.
Q Did you try to get any service upon the applicant, Calvin S. Cooper? A Yes sir, I did; I sent notice to the City Marshal at Collinsville, I. T., and got a letter from him stating that Calvin S. Cooper was living in Oklahoma City, Oklahoma Territory, and had been living there for sometime; didn't say how long.

BY MR. HASTINGS: The representative of the Cherokee Nation desires that the case be closed with the right reserved to introduce a certified copy of the all of the original papers filed before the Commission in 1896 or before the court on appeal, and also a brief.

BY COMMISSION: The applicant having this day, to-wit: the 10th day of March, 1902, been called and failing to respond, either in person or by attorney, it is considered that the case is completed and same will be reported to the Commission for final decision based upon the evidence now of record, in addition to the papers asked to be filed by the Cherokee Nation.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Calvin S. Cooper for the enrollment of himself and three minor children Tennie, Dovie and Ruthie Cooper as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Georgia Cooper as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 13, 1900, Calvin S. Cooper appeared before the Commission at Claremore, Indian Territory and made personal application for the enrollment of himself and three minor children Tennie, Dovie and Ruthie Cooper as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Georgia Cooper as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 10, 1902.

The evidence and an examination of the records of the Commission to the Five Civilized Tribes show that application was made on September 9, 1896, to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, for the admission to citizenship in the Cherokee Nation of the said Calvin S. Cooper, Tennie Cooper, Dovie Cooper, Ruthie Cooper and Georgia Cooper; that their application was denied, and upon appeal to the United States Court in the Indian Territory for the Southern District the decision of the Commission was reversed and the parties above named were admitted to citizenship in the Cherokee Nation by the judgment of said Court.

It further appears that the said Georgia Cooper and her children Tennie, Dovie and Ruthie Cooper, have been, and are now residing in Oklahoma Territory and have never resided in Indian Territory. It further appears that the principal applicant, Calvin S. Cooper, has never removed to and in good faith settled in the Indian Territory since the date of his admission, or at any time.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Calvin S. Cooper, Georgia Cooper, Tennie Cooper, Dovie Cooper and Ruthie Cooper should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner

Dated at Muskogee, I. T.

this JUL 16 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYKESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-790.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Calvin S. Cooper for the enrollment of himself and his three children, Tennie, Dovie and Ruthie Cooper, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Georgia Cooper, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. H-9.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING

Cherokee D 790.

ALLISON I. AYRESWORTH
SEC. DEPT. INT.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Calvin S. Cooper for the enrollment of himself and his three minor children, Tennie, Dovie and Ruthie Cooper, as citizens by blood, and for the enrollment of his wife, Georgia Cooper, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Tams Bixby
Acting Chairman.

Registered Letter
Parcel

Post Office.

1648

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J C Starr

Mustogee

Calvin S. Cooper

Collinsville

St.

August 1891

P. O. No.

Box 315

2

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1647

J. C. Stone

Alameda Co. Cal.
Chickama
Chickama

1891

IN THE MATTER OF THE APPLICATION OF

Calvin S. Cooper et al.

FOR ENROLLMENT AS

CHEPOKEE CITIZENS

ex-pts for
residence

IN THE MATTER OF THE APPLICATION OF

Calvin S. Cooper

FOR ENROLLMENT AS

CHEROKEE CITIZENS

1. Original testimony. Nov 13-19

2. Memo of application Nov 13-19

3. Notice of final consideration, 3/10/20

*Supplemental proceedings and
order doing testimony - 3/10/20*

Copy of ...

...

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D790

Transferred to R-697

Cher D 791

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1000

CHAIRMAN

1648

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasaw, I.T. November 13th, 1900.

IN THE MATTER OF THE APPLICATION OF SAMUEL COOPER FOR THE
ENROLLMENT OF HIS NEPHEW, SAMUEL NEWTON COOPER, AS A CHEROKEE
CITIZEN.

The said Sam I. Cooper, being sworn and examined by Commission-
er C. E. Breckinridge, testified as follows:

Q What is your full name please? A Sam I. Cooper.
Q How old are you? A Forty-three.
Q What is your post office? A Collinsville.
Q You live in Coowassee District, do you? A Yes, sir.
Q How is it you want to have put on the roll? A Samuel
Cooper.
Q A boy? A Yes, sir.
Q Are you his guardian? A Yes, sir.
Q Have you guardianship papers? A Yes, sir. I haven't
got them here though.
Q What kin is the boy to you? A A nephew.
Q This boy was admitted to citizenship by the United States
Court at Ardmore, wasn't he? A Yes, sir.
Q Has this child any middle name? A Samuel Newton Cooper.
Q How old is this child? A Eighteen in May.
Q What is the name of his father? A W. T. Cooper.
Q Is he dead? A Yes, sir.
Q Give me the name of his mother. A Nellie.
Q Is she dead? A Yes, sir.
Q Was she a Cherokee? A No, sir.
Q His father was a Cherokee? A Yes, sir.
Q Where is this child living now? A Living with me
at Collinsville.

THE COMMISSIONER: The records of the Dawes Commission, Pocket
P., page 235, case 4361, show that application was made by Eliza S.
Gilliam et al, for admission as Cherokee citizens in September
1890. The application was denied by the Commission, but was
sustained, on appeal, by the United States Court at Ardmore, I.T.
with respect to certain ones of the applicants, and among them ap-
pears the name of Samuel Cooper of the family named in the tes-
timony. This is recognized as official evidence of his admission
as stated.

The applicant applies for the enrollment of a nephew, a minor
and an orphan, Samuel N. Cooper. He is shown, as set forth in the
testimony, to have been admitted to citizenship by the United
States Court at Ardmore. The Court No. of said case is 68.
The Cherokee representative present has protested in all cases of
admission against the jurisdiction of that court over Cherokee
cases, and for the further consideration of this point this
application will now be placed upon a doubtful card, the said
Samuel N. Cooper being listed as a Cherokee by blood. The final
decision of the Commission will be duly made known to him.

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The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and other proceedings in this application for enrollment
and that the foregoing is a correct and complete transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 14th day of November 1900.


Commissioner.

Supl.-C.D.#791.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of SAMUEL N. COOPER as a citizen of the Cherokee Nation:

The Applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902. Receipt has been acknowledged of Commission's letter, and on said date the applicant appeared by his attorney, James M. Givens, Muskogee, Indian Territory, and the case was continued until the 11th day of March, 1902.

Mr. Hastings, Cherokee Representative: The Cherokee Nation asks permission to file a certificate copy of all the records filed in this case before the Dawes Commission in 1896, or before the United States Court on appeal. The originals having been sent to the United States Court at Ardmore.

Commission: The applicant failing to appear either in person or by attorney, it is considered that the case is completed and the same will be reported to the Commission for final decision based upon the evidence now of record in addition to the evidence which the Cherokee Nation desires to file in the same.

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I, J. O. Benson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Benson

61

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Samuel H. Cooper as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on November 13, 1900, Samuel L. Cooper appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of his nephew, Samuel H. Cooper as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 11, 1902, and on July 11, 1902.

An examination of the records of the Commission to the Five Civilized Tribes shows that application was filed with the Commission in September, 1896, under the provisions of the Act of Congress, June 10, 1896 (29 Stats., 321) for the admission, among others, of the said Samuel H. Cooper to citizenship in the Cherokee Nation; that the application was denied by the Commission, and on appeal to the United States Court in the Indian Territory for the Southern District the decision of the Commission to the Five Civilized Tribes as to the said Samuel H. Cooper was reversed, and the said Samuel H. Cooper was admitted by the decision of said Court to citizenship in the Cherokee Nation by reason of his Cherokee blood.

The evidence further shows that at the time of his admission to citizenship by said Court, Samuel H. Cooper was residing in the Chickasaw Nation, and that he removed to the Cherokee Nation in 1899, and has resided therein since that time.

It is, therefore, the opinion of this Commission that Samuel H. Cooper should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 15th 1902.

In the matter of the application of Samuel H. Cooper for enrollment
as a citizen of the Cherokee Nation.

Cherokee D 791.

Protest of the Cherokee Nation.

Come now the Cherokee Nation and respectfully protests against the
decision of the Commission rendered in the above case on December 2nd
1902 and asks that the same be forwarded to the Honorable Secretary of
the Interior for review.

The testimony in this case discloses that the same questions are
involved in this case as are found in the case of Eddie Wheatley, nee
Cooper Cherokee D 213 and in as much as we have filed a brief and protest
in said case of Eddie Wheatley Cherokee D 213 who is a full sister to
the applicant in this case we ask that reference be made to the brief and
protest filed by the Cherokee Nation in that case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Attest:

J. C. Starr

Stenographer for the Cherokee Nation.

Jesse C. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ... day of July, 1903.

Notary Public.

JUL 13 1903

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 11th, 1902.

In the matter of the application of Samuel N. Cooper for the enrollment of himself as a citizen by blood of the Cherokee nation.

Supplemental to D-791.

Appearances:

Samuel L. Cooper for Applicant.
W. W. Hastings for Cherokee nation.

SAMUEL L. COOPER, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. S. L. Cooper. Samuel L. Cooper.
Q. What is your age? A. 44.
Q. What is your post office? A. Collinsville.
Q. Are you the father of Samuel N. Cooper? A. No, sir.
Q. What relation, if any, do you bear towards him? A. He is a nephew of mine.
Q. Are you his duly appointed guardian? A. Yes, sir.
Q. Where was Samuel N. Cooper born? A. Texas.
Q. How long ago? A. About 19 years.
Q. When did he come to the Cherokee nation? A. He first came in 1887.
Q. How long did he remain at that time? A. About a year and a half.
Q. Then where did he go? A. Went back to Texas.
Q. How long did he continue to reside in Texas? A. Why, I reckon he was there a year or two years. I can't remember just exactly.
Q. Then where did he go? A. Chickasaw nation.
Q. How long did he reside in the Chickasaw nation? A. 6 or 7 years.
Q. That took him up to about 1896? A. Yes, sir.
Q. Where did he go when he left the Chickasaw nation? A. He came to the Cherokee nation.
Q. Do you know about what time it was he came to the Cherokee nation at that time? A. It was on or about the 5th of November. Yes, he came in November, three years ago.
Q. Three years ago? A. Yes, sir; he came in November. Yes, sir.
Q. He left the Chickasaw nation in 1896 according to the statements you made. A. He left there three years ago this coming October.
Q. Then he left there in 1899? A. Yes, sir.
Q. From the about time he went to Texas the last time to the time he returned to the Cherokee nation in 1899, had he ever been here? A. Yes, sir.
Q. When? A. He came to the Cherokee nation in 1887.
Q. He went to the Cherokee nation in 1887? A. Yes, sir.
Q. Then he went back to Texas? A. Yes, sir.
Q. He remained there two years? A. Yes, sir; and went to the Chickasaw nation.
Q. He came here in 1899? A. Yes, sir.
Q. From the time he left for Texas the last time he had never been in the Cherokee nation until 1899? A. Yes, sir.
Q. Well, where has he been living since 1899? A. My house near Collinsville.
Q. Are his parents both dead? A. Yes, sir.
Q. When did they die? A. They died the first year they went up there in Goingsmake.
Q. Where was he living in the Chickasaw nation? A. With his uncle and aunt; my sister.

Q. He was admitted to citizenship in the Cherokee nation, wasn't he?
 A. James H. Vanner with the other members of his family?
 Q. Yes, sir, at the house at Ardmore.
 Q. Had he ever been out of the Cherokee nation since 1897?
 A. No, sir, never been out.
 Q. Had he living here when you made application for him on the 15th day of November, 1900? A. Yes, sir.

James H. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of July, 1902.

James H. Carr

H. R. Renter
 Notary Public

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1388Y
REFER IN REPLY TO THE FOLLOWING

Cherokee D 791.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Samuel L. Cooper for the enrollment of his nephew, Samuel N. Cooper, as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 2.

COMMISSIONERS.

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-791.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

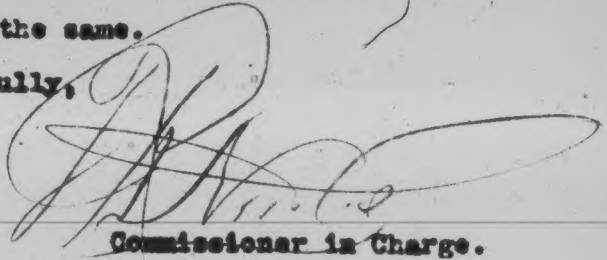
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, granting the application of Samuel L. Cooper for the enrollment of his nephew, Samuel N. Cooper, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on December 2, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-791

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, granting the application of Samuel L. Cooper for the enrollment of his nephew, Samuel N. Cooper, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 11, 1903.

Respectfully,



Chairman.

CHEROKEE

D 791

IN THE MATTER OF THE APPLICATION OF

Samuel Cooper

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Nov 13-1900

B. Memo of application. Nov 13-1900

C. Notice of final consideration, 3/1/01

D. Proof of service of notice 3/1/01

*Copy of all papers filed
with the court in this case*

D 791

E. Under living testimony 3/1/01

*Cancelled and transferred
to Cherokee No 10160*

END
OF
ROLL